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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 1 NEW YORK, TUESDAY, JANUARY 3, 1939 TEN CENTS

F.P. Canadian Voting Trust Ends March 6

No Change in Control of Company Expected

TORONTO, Jan. 2. — The voting trust agreement of Famous Players Canadian Corp., instituted almost 10 years ago, is due to expire March 6, 1939, when the voting trust certificates will be replaced by common shares with full voting power for their respective holders. Announcement is made locally that 189,000 shares have been under the jurisdiction of the agreement, the trustees of which are President N. L. Nathanson, I. W. Killam of Montreal and Adolph Zukor.

In view of the 189,000 shares controlled by management interests, it is likely that no change of control will occur when the trustee agreement expires, although the public probably will begin to have a greater voice as stockholders of the company.

Latest Balance Sheet

According to the latest balance sheet of the company, 408,524 of the authorized 600,000 common shares of the company have been issued and are fully paid while Nathanson is expected to take up an option on Jan. 15 for 11,000 more shares from the treasury at $13.75 per share, his last purchase of a similar block under option in 1937 being $13 per share. A further 33,000 shares are under option to the company president at prices ranging from $14 to $17 per share.

Holdings of individual shareholders are not available although it is stated that a controlling interest in the Canadian company is held by Paramount Pictures, Inc.

The balance sheet of Famous Players Canadian Corp. shows assets of $16,214,954, of which $10,969,856 are fixed assets at cost, including land,

(*Continued on page 5*)

Wurtzel Dropping Series at 20th-Fox

HOLLYWOOD, Jan. 2.—Sol Wurtzel has decided to abandon three of the six series of pictures earlier contemplated at 20th Century-Fox. Those being dropped are the Sports Adventures, Big Town Girls and Roving Reporters.

Retained are the Charlie Chans, the Mr. Motos and the Jones Family groups.

Radio—Page 12

N. Y. Critics Pick Cagney, Sullavan And 'Citadel' Best

New York's newspaper film critics in their annual poll have voted "The Citadel" the best picture of 1938. James Cagney took the honors for the best masculine performance in "Angels with Dirty Faces," and Margaret Sullavan won the feminine award for her performance in "Three Comrades."

Miss Sullavan also was selected the leading feminine star of the year in a poll among the 2,000,000 readers of the *Daily Express* in London. Spencer Tracy was named the best masculine star of the year in the English voting.

The New York critics named Alfred Hitchcock best director for "The Lady Vanishes," and "Grand Illusion" was voted the best foreign picture of the year. "Snow White and the Seven Dwarfs" received a special award. It was not included in the general competition because it is a cartoon and therefore a special medium.

The awards will be presented next Sunday at the Rainbow Room, Rockefeller Center, with an NBC coast-to-coast hookup arranged.

The English poll put Will Fyffe and Anna Neagle in second place, with Edward G. Robinson and Bette Davis third. Film of the year was "Snow White," with "Test Pilot" and "A Yank at Oxford" following. Walt Disney was voted by the English the personality of the year.

FILMS TO PROMOTE PAN-AMERICA TIES

American Interests Acquire Dufaycolor From British Group

Ownership and control of Dufaycolor, Inc., color film producer, yesterday passed from British hands to an American group headed by Pierpont Morgan Hamilton, who will be president of the new firm, Dufay Co., Inc.

The company was separated from the English parent company, Dufay-Chromex, to permit independent operation and is being reorganized for expansion into the motion picture field. The British company will retain minority interest.

When Hamilton assumed the management of the American subsidiary a year ago, it was with the understanding that it eventually would become an independent unit with Hamilton in control. Transfer of control from Dufay-Chromex did not involve any cash.

Dufaycolor is licensed to market

(*Continued on page 5*)

United Artists Leading Way with Seven of 30 Pictures Planned

By AL FINESTONE

Films are to play an important part in bringing greater goodwill and understanding and in cementing relations, culturally and otherwise, between the United States and Latin American countries. United Artists, under leadership of Maurice Silverstone, operating head, leads the way.

This company will distribute at least seven films out of the nearly 30 Spanish language films now being planned by seven of the leading firms. The number of films for the Spanish market which is now contemplated is evidence of the increasing interest being shown here for the Latin American public.

So. Am. Production Gaining

Spanish American production has been on the upbeat, too, and together with American films, the Latin American public stands to get an improved as well as greater number of their own language films. This market also can serve to offset lost revenue in totalitarian countries.

M-G-M and Warners, thus far, have no plans ready on Spanish feature length films. Warners, however, are considering a series of two-reel shorts on American and Pan-American themes which will be made in English and Spanish versions. Definite decision on this may come shortly.

The number of Spanish language pictures to be released by American distributors in the coming year will approximate about 25% of the estimated total of 110 films made in Latin America this year—in Mexico, Argentina, Cuba, Colombia, Venezuela, Chile, Peru and Brazil. Mexican product appears to predominate in the American companies' releases.

Less than half of the American-sponsored films will be produced in Hollywood. There are two schools of thought in this connection. One believes that Hollywood's skill and experience are valuable assets. The

(*Continued on page 5*)

'Lynton' Authors Awarded $532,152 Against M-G-M

In a 35-page opinion which criticized the Copyright Act, Federal Judge Vincent L. Leibell Friday confirmed an award reduced to $532,152 against Metro-Goldwyn Pictures Corp., Metro-Goldwyn-Mayer Distributing Corp., Loew's, Inc., and Culver Export Corp. in favor of Edward Sheldon and Margaret Ayer Barnes for infringement of their play "Dishonored Lady," in the motion picture, "Letty Lynton."

Judge Leibell scaled down the award from $587,604 recommended by Special Mastor Gordon Auchincloss, who fixed that amount as the net profits of the picture. At the same time Auchincloss was allowed $15,305, and O'Brien, Driscoll & Raferty, as attorneys for the plaintiffs, $55,000, which will be additional assessments against the defendants.

Judge Leibell termed the Special Master's report as "excellent," but criticized at length the effect of Section 25 of the Copyright Act, which made it mandatory to charge the defendants with the entire net profits. He said, "In my opinion it is punitive and unjust to award all the net profits of the motion picture, 'Letty Lynton' to the complainants in this case. Yet, under the wording of the Copyright Act (Section 25) as interpreted by the decision of the Appellate Court, I can do nothing less." The opinion continued that under this rule no consideration was given for the "dramatic talent" and the "drawing power" of Joan Crawford and Robert Montgomery, or for the skill of the directors and technicians. Twenty-five per cent of the net profits "could be justly fixed" as the proper assessment, Judge Leibell said.

The decision awarded $248,095 against Metro-Goldwyn Pictures; $59,570 against M-G-M Distributing; $84,209 against Loew's and $140,278 against Culver Export Corp. The contention of Culver Export Corp. that the court had no jurisdiction over profits of the picture from foreign sales, was overruled. Suit was filed in 1932. Dismissal in District Court was reversed.

Year in Review

Day-by-day developments in the film industry during 1938, as reflected in the headlines of the past 12 months, are published today, beginning on page 8.

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Purely Personal

CHARLES McCARTHY, JOHN HICKS, MARTIN BECK, SIDNEY PHILLIPS, OWEN DAVIS, MORRIS KINZLER, ARCH REEVE, WILLIAM SUSSMAN, MAX COHEN and HARRY KOSCH seen in the Hunting Room of the Astor Friday at lunch.

•

FRANK R. DEAKIN, vice-president of RCA Mfg. Co., has returned from a survey of London studios and theatres equipped with RCA.

•

ARTHUR W. KELLY, U. A. foreign head, is due about Jan. 15 from an extended trip abroad. He is now in London.

•

SAM E. MORRIS, Warners' foreign chief, plans a trip to the coast Jan. 6.

•

HAROLD BEIN, salesman in Warners' Cleveland branch, is in New York on vacation.

•

J. J. SANDAU, head of the New Universal exchange in Des Moines, and MRS. SANDAU, spent New Year's in Pittsburgh with their parents.

•

JIMMY STEWART returned to the coast via American Airlines over the weekend. He had visited his family in Pittsburgh.

•

JIMMY, AL and HARRY RITZ arrived in New York on Friday. AL left for Hollywood that same night while HARRY and JIMMY remained over New Year's.

•

JAMES CAGNEY has gone to his farm at Martha's Vineyard for a vacation between films.

•

LOU DIAMOND, head of Paramount's short subject department, arrives today from Miami where he conferred with MAX FLEISCHER at his new studio.

•

ROGER FERRI, editor of the *Dynamo*, 20th Century-Fox publication, and MRS. FERRI sail tomorrow on the *Manhattan* for a vacation.

•

AMERICO DITULLIO, Ross Federal district manager, and K. A. DAVIS, Albany branch manager, have been visiting the home office.

•

MR. and MRS. WALTER READE have arrived on the coast for a two-week stay.

Pathe News to Make Film on Americanism

RKO Pathe News will start production shortly on a feature length film dealing with the trend of Americanism today. The films have been tentatively titled "United We Stand," and the script is being written by Pathe News staff writers. Release is planned for the middle of February.

Ned E. Depinet, president of Pathe News, said the film will be designed as a patriotic film to combat the fear "engendered by the unsettled state of the world."

Insiders' Outlook

By SAM SHAIN

IF anybody in the business deserves to be congratulated this year, they are Nate J. Blumberg, William Scully and J. Cheever Cowdin, of Universal, and their associates, Matthew Fox, Cliff Work and Joseph Seidelman, for a year ago financial oblivion was facing their firm, and today it's healthy and going places.

And Bill Scully has sold $1,000,000 more of "U" films this year than the year before. He celebrated this feat with a party, Friday, at which his old pals from M-G-M and others from the trade attended, including Tom Connors, Ed Saunders, Si Seadler, Red Kann, A-Mike Vogel, Sam Cocalis, William Taylor, Pete Harrison and Max Cohen.

▼ ▼

New York State's legislature has two show business representatives in its membership this year. They are Assemblyman William T. A. Webb, of Delaware County, who is manager of a Smalley Circuit theatre, in Sydney, and Senator Phelps Phelps, radio commentator, of Manhattan. Webb is a Republican. Phelps is a Democrat.

Lawyers form half of the legislature membership.

▼ ▼

Paramount has made arrangements with Heber Grant, Mormon church head, for a special preview showing of Cecil B. DeMille's "Union Pacific" in the famed Mormon Tabernacle, Salt Lake City, about April 1. This will be the first instance of a feature screening in the place of worship.

▼ ▼

Policemen, specially assigned for the holiday trade at theatres, were actually hunting for customer lines along Broadway, when the New Year's box office rush suddenly quieted and the weather turned very cold. That's show business for you. Big one day and not so big the next.

▼ ▼

If a consent decree is to be had in the pending N. Y. anti-trust suit, it must be voluntary. That means that the defendant companies and individuals must initiate such a move. This view is obtained from Thurman Arnold's statement of policy regarding such suits, in his annual report, in Washington.

It is known that there is a division of opinion among the major defendants regarding a consent decree. It is believed that Loew's, for one, intends to go to trial on the merits.

Arnold, in his report, clearly indicates that the Government will neither start negotiations nor suggest compromises on the basis of which prosecution will be dropped. A "mere promise to reform" is not enough.

Whether this is a sly criticism of self-regulation is something for individual thought.

▼

Furthermore, no private deal with the Government is possible. Any compromise will be subject to court review and judgment and reasons for the Department of Justice's action will be made known in a statement to the public.

The Government will accept only proposals which restore competitive conditions in a way which could not be accomplished by prosecution.

"At all times," says the Arnold report, "the test of whether a consent decree should be accepted must be whether it will benefit the public, not whether it will give relief to the Department of Justice. Only where it appears that a consent decree will yield more constructive results for the consuming public, for employees, and for competitors, than eventual criminal punishment of offenders, will proposals for such a decree be entertained."

▼

Arnold, it is understood, has cracked the threat of "criminal prosecution" at the defendants. President Franklin D. Roosevelt is believed to be opposed to such action, and so, that may not come.

In his report, also, Arnold reveals that four new anti-trust prosecutions are contemplated by his division in industries, not named.

Thus, the industry now has Thurman Arnold's New Year's greetings. They are tough.

How the situation will be ironed out and whether self-regulation can go ahead successfully appears to be up to the lawyers.

They are guiding the business. Charles Pettijohn, himself, an attorney fairly indicated this in a recent statement. A mere matter of wordage on terms was holding up the self-regulation program, Pettijohn inferred. He should know.

Paine Tri-National Treas.

Charles B. Paine, formerly treasurer of Universal Pictures for nine years, has joined Tri-National in the same capacity.

Asher Here Thursday

Irving Asher, associate producer of London Films (Korda) arrives from London Thursday. There is no indication how long he will stay here.

Court Enjoins Code For Ticket Brokers

Justice William Harmon Black in Supreme Court on Saturday granted a temporary injunction restraining the League of New York Theatres and Actors' Equity from enforcing their new code outlawing ticket scalping. This action lifted the ban for the New Year's trade.

Motion for a permanent injunction is scheduled to be heard today before Justice Black. Action was brought by the Acme Theatre Ticket Office in the first legal test of the agreement. Illegal restraint of trade was charged. Members of the League, its officers and directors and brokers pledged to the code were also defendants.

Start Games Test In Massachusetts

MIDDLEBORO, Mass., Jan. 2.—The first step in the test of the legality of Bank Night in Plymouth County was taken with the arrest of Roy Heffner, Jr., manager of the Key here, on the charge of conducting a lottery.

Heffner previously had informed local police that he intended to continue Bank Night despite a prohibitory ruling from District Attorney Edmund R. Dewing. The police did not act. Heffner was arrested in his office by state troopers. He was released on bail of $100.

Dewing had issued a statement six weeks ago asserting that Bank Night was illegal and asked the cooperation of the police throughout his district (comprising Plymouth and Norfolk Counties) in closing down all such enterprises. The conductor of a Beano game, in the Whitman town hall was arrested.

Roy Heffner, Sr., of Belmont, who handles Bank Night in New England, said that the game had been held not to be a lottery by the Massachusetts Superior Court and the United States Circuit Court of Appeas in Boston.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

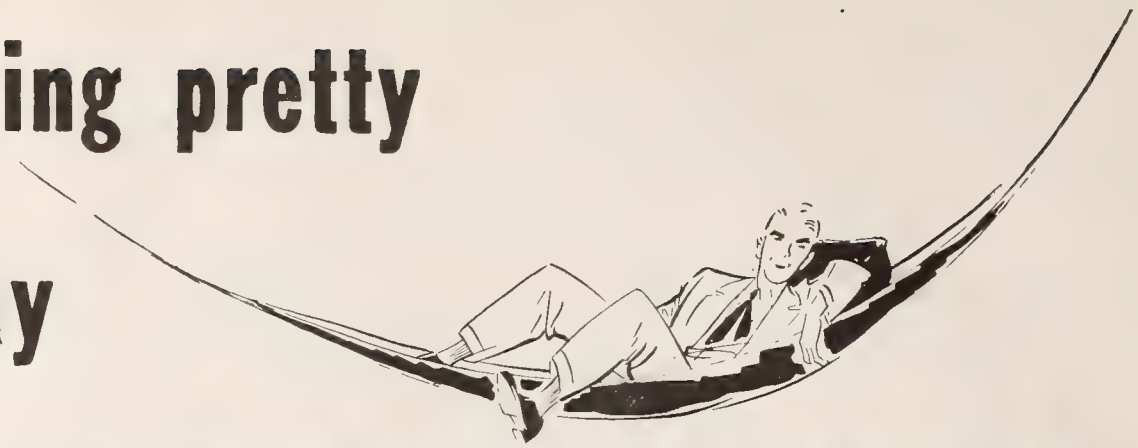
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1. 800 big daily newspapers carried this United Press rave: "One of the best pictures of this or any other year; we urge that you see it." —*Frederick C. Othman*
2. Life Magazine (December 5th issue) carried 5-page rave review of "The Beachcomber" for its 17,300,000 readers.
3. News Week gives Laughton front page publicity plus rave review.
4. National Board of Review of Motion Pictures, calling it "first rate comedy," names "The Beachcomber" *third* best English-speaking picture of the year!

A Mayflower Picture • Produced and Directed by Erich Pommer • A Paramount Release

Films to Aid Pan-American Relationship

(Continued from page 1)

other maintains that only in the native studios can films be flavored with the typical spirit which is desired by many. Talent supply is apparently no problem in any thriving production center.

Present concentration in Hollywood is by Paramount and 20th Century-Fox. Paramount revived Spanish language production on the coast this year with one film made by Rafael Ramos Cobian, Puerto Rican theatre operator. The film starred Tito Guizar, who leaped to popularity in "Rancho Grande" and is under contract to Paramount. He is being starred in four films for Paramount by Dario Faralla, two of which are completed.

After completing his Paramount commitment, Cobian signed a four-picture deal with 20th Century-Fox, contingent on the success of the first. Production is now starting.

U. A., Columbia Successful

United Artists and Columbia have had good fortune with Latin American films. "Rancho Grande," a typical Mexican musical, rolled up exceptionally high grosses for U. A. This film is credited with the revenue record among Mexican productions. "Ora Ponciano," released by Columbia, rates second.

Columbia has also released one picture produced for the company in Hollywood and another in Mexico City. A deal is being negotiated with Enrique Herrera, Mexican producer, for two or more films.

Of the seven films to be handled by U. A.—and there may be more—three will be made by Fortunio Bona Nova, first in Hollywood and the other two in Mexico. Bona Nova will co-star with Andrea Palma in the Hollywood picture scheduled for release in March. Bona Nova will line up the cast in Mexico.

U. A. in addition plans to arrange for the acquisition of Argentine features. This company's policy is the distribution of films in the international market regardless of country of origin, provided they come up to standard.

William Rowland, who turned Spanish language producer this year, is committed to make four or more films for RKO. After completing his first, "Di Que Me Quieres," at Eastern Service Studios, he shifted his base to Mexico City where he is scheduled to make the next two, starting this month. He has signed Maria Teresa Montoya, leading Mexican actress.

Universal Plans Two

Universal's plans include two films by Fernando de Fuentes, co-producer and director of "Rancho Grande." The company has released two Argentine films.

Monogram has joined the parade and is negotiating with Mexico City producers for a six-picture program. Eddie Le Baron's "Castillos en el Aire," made for Monogram in Hollywood, is now in circulation.

Republic, operating through franchise holders, plans no Spanish language releases, but permits its local distributors to add them to the regular list under the company label.

The history of Spanish language films has been a devious one. Paramount made the first serious effort to satisfy the demand and produced six films in 1934 and 1935 in the east with Carlos Gardel, Argentine star. His death in a plane crash was destined to end the company's activities in this field for about three years, but the Gardel films showed the way to producers in Mexico City, Buenos Aires, Cuba and elsewhere. Films in their own language definitely could be popular, if reasonably well made.

Budgets Are Small

Then, gradually, came a resurgence of native production. Two or three films were successful at the box-office, and the American distributors came to realize that there might be money in Spanish talking pictures. When United Artists cleaned up with "Rancho Grande," last season, the others decided Spanish films might be worth the experiment. Within the year, theatres in Havana, Mexico City and other centers which never played native product, booked Spanish language films for the first time. Now the American companies' interest in Spanish language production appears to be definitely more than an experiment. Cessation of production in Spain adds to its importance.

Films can be made cheaply and fairly well in the domestic studios. Mostly they cost around $30,000, with only one or two understood to have gone to $40,000. Returns in gross revenue have been four and five times the budget figure in some instances.

American Interests Acquire Dufaycolor From British Group

(Continued from page 1)

the English color process in this country. The process, which was invented by a Frenchman, was introduced in this country for still photography, with experimentation in the motion picture field undertaken at the same time.

Recently the English company perfected its process for full color photography. Using standard equipment, Dufaycolor requires no special cameras and utilizes a single negative, making it possible for a studio to see "rushes" as quickly as black and white film.

Dufaycolor plans eventually to have a plant in New York for motion picture work. It now has a small laboratory in the De Luxe Laboratory building. Shorts, newsreels and commercial films using Dufaycolor have been produced in England.

Reorganization of the company is expected to be completed in 30 days. Hamilton, who is a nephew of J. Pierpont Morgan, spent a year at the RKO studio studying production before assuming management of American Dufaycolor. Previously he was with Keller-Dorian, color film process company, working in conjunction with Eastman.

Name Wilbur Director

HOLLYWOOD, Jan. 2.—Warners has elevated Crane Wilbur to feature director and his first assignment will be "Hero for a Day," in which Charles Grapewin will play a leading role.

"Mamba" Opening

"Mamba's Daughters," a story of a colored mammy's efforts on behalf of her daughters, opens tonight at the Empire. It is a dramatization by Dorothy and Du Bose Heyward of Heyward's novel. Guthrie McClintic produced and staged the play. Included in the cast are Ethel Waters, Georgette Harvey, Alberta Hunt, Fredi Washington, Jose Ferrer and the Rosamond Johnson choir.

Supreme Court to Hear Several Film Cases This Month

Additional to the North Dakota theatre divorcement law, several cases of general interest to the film industry will be heard by the U. S. Supreme Court during January. In addition, Congress and 41 state legislatures will convene during the month. In any of these legislation affecting the industry may be introduced.

Appeal papers attacking the constitutionality of the North Dakota divorcement law are scheduled to be filed in the Federal court at Fargo this week and forwarded to Washington to be placed on the Supreme Court calendar for hearing, probably toward the end of January. The Supreme Court argument on the Dallas Interstate Circuit appeal is scheduled for today or tomorrow. This case involves the legality of contracts regulating admission prices in subsequent runs for certain pictures which play a first run at a designated minimum admission. Bans against showing such pictures on a double feature program are also involved.

On Jan. 9 the Supreme Court is scheduled to hear arguments involving constitutionality of Florida and Washington laws to prohibit Ascap from operating within those states. The resultant decisions are expected to cover the validity of all such state anti-Ascap legislation.

New or increased tax legislation is most feared by exhibitors from state legislatures, 26 of which convene this week and 15 more the week following. Most states are in need of additional revenue for relief purposes.

COLUMBUS, Dec. 29.—I. T. O. of Ohio plans a campaign against moves to increase the state admissions tax during the coming session of the legislature, members were advised in an organizational bulletin distributed today. As part of the move, exhibitors are urged to contact their representatives.

Warner Sales Group Going West Jan. 14

Gradwell L. Sears, general sales manager for Warners, heads a group of executives scheduled to leave for the coast on Jan. 14 for conferences on merchandising plans and the production lineup for 1939-'40. In the group are S. S. Schneider, S. E. Morris, Carl Leserman and Mort Blumenstock.

FP Canada Voting Trust Ends Mar. 6

(Continued from page 1)

theatres, buildings, improvements and sound equipment less reserves for depreciation. Other assets include cash, call loans, Government bonds, accounts receivable, investments in and advances to subsidiary companies, franchises and leaseholds. The earned surplus at Jan. 1, 1938, was $2,716,717 and this should be increased at the close of the fiscal year Dec. 31 because the company has paid a bonus to both common shareholders and employes for 1938. Liabilities and capital on Jan. 1, 1938, totaled $13,498,237, of which bonds totaled $7,050,000 and stock $4,118,240.

Although Nathanson is a trustee of the 189,000 shares, Zukor is not a director of the Canadian company and his official connection with the company comes to an end with the termination of the trust agreement. However, there is a possibility that he may be elected to the board of directors at the annual general meeting early in 1939. J. J. Fitzgibbons, vice-president, has been with the Canadian company for the past eight years.

Members of Directorate

Barney Balaban is a member of the directorate along with the following: Major A. P. Holt who is regarded as the representative of his father, Sir Herbert Holt, outstanding Montreal banker, financier and industrialist; W. D. Ross, former Lieutenant-Governor of Ontario; A. E. Dyment, industrialist of Barrie, Ont.; F. B. McCurdy, Y. Frank Freeman, Thomas J. Bragg and R. W. Bolstad. The last two are active officials at the Toronto home office as secretary-treasurer and comptroller respectively. The affairs of the company are directed by an executive committee comprising three directors, Fitzgibbons, Bragg and Bolstad, and also Clarence M. Robson, eastern division supervisor of theatres, and Ben Geldsaler, chief booker.

Famous Players Canadian Corp. was incorporated 20 years ago when Nathanson secured the Famous Players Lasky franchise for Canada, Nathanson being managing director of the company. He was out of the company some years ago when he resigned in protest over the control of the circuit but returned as president about six years ago.

Silverstone Leaving For Coast on Friday

Maurice Silverstone, operating head of United Artists, leaves for the coast Friday, for conferences with U. A. producers and the company's annual shareholders' meeting, which will be held on the coast during his stay there.

Schenck, Rodgers Leave

Nicholas M. Schenck, president of M-G-M, and William F. Rodgers, general sales manager, left Friday night for the coast. They are expected to return next Monday.

Columbia Sets Dividend

Board of directors of Columbia Pictures has declared a dividend of 2½ per cent on the common stock, payable March 15, to stockholders of record March 1.

'Hardys' Hub Smash in Two Spots, $38,500

BOSTON, Jan. 2.—"Out West with the Hardys," coupled with "Young Dr. Kildare," was a smash hit here, taking $17,000 at Loew's State and $21,500 at Loew's Orpheum for a total of $38,500, as grosses generally pointed upward.

"There Goes My Heart" and "Always in Trouble" at the Keith Memorial took a strong $18,000, and "Submarine Patrol" and "Thanks for the Memory," at the Fenway, drew well at $7,000.

Estimated takings for the week ending Dec. 28:

"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 4 days. Gross: $17,000. (Average, $10,000)
"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 4 days. Gross: $21,500. (Average, $12,000)
"There Goes My Heart" (U. A.)
"Always in Trouble" (20th-Fox)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $13,000)
"Artists and Models Abroad" (Para.)
"Tom Sawyer, Detective" (Para.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $13,000. (Average, $12,500)
"Submarine Patrol" (20th-Fox)
"Thanks for the Memory" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $9,000. (Average, $8,500)
"Submarine Patrol" (20th-Fox)
"Thanks for the Memory" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $4,500)

'Schools' $10,500 Cincinnati's Best

CINCINNATI, Jan. 2. — "Girls' School," with the help of Hal Kemp's orchestra on the stage, gave the RKO Shubert $10,500.

"Sweethearts" did well at $9,000 on its second week at the RKO Albee, and "Thanks For Everything" pulled $9,800 at the RKO Palace. The weather was cold.

Estimated takings for the week ending Dec. 29:

"Sweethearts" (M-G-M)
RKO ALBEE—(3,300) (35c-42c) 7 days. 2nd week. Gross: $9,000. (Average, $12,000)
"Thanks For Everything" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,800. (Average, $10,000)
"Girls' School" (Col.)
RKO SHUBERT—(2,150) (35c-40c-60) 7 days. Stage: Hal Kemp and orchestra. Gross: $10,500. (Average, $12,000)
"Just Around the Corner" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days. Gross: $4,800. (Average, $6,500)
"Smashing the Spy Ring" (Col.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $4,000. (Average, $6,500)
"Out West With the Hardys" (M-G-M) (4th week) (3 days)
"Christmas Carol" (M-G-M) (4 days)
RKO GRAND—(1,200) (25c-40c). Gross: $2,900. (Average, $2,750)
"Adventures in the Sahara" (Col.) (2 days)
"Gang Bullets" (Monogram) (2 days)
"His Exciting Night" (Univ.) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,200. (Average, $2,450)
"Going Places" (F.N.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,300. (Average, $6,500)

Retitle Ruggles Film

HOLLYWOOD, Jan. 2.—"Boy Trouble" has been selected as the release title of the Paramount picture, "Two Weeks with Pay." Charlie Ruggles and Mary Boland head the cast.

Hollywood Preview

"Whispering Enemies"

(Columbia-Darmour)

HOLLYWOOD, Jan. 2.—Story of whispering campaigns designed to harm competitors' products, "Whispering Enemies" is a contribution to the ring of pictures which offers most novel exploitation possibilities. Starring Jack Holt, the film is ideal material for fresh showmanship campaigns based on revealing to the public the *modus operandi* of the agencies which make a business of "whispering" advertising campaigns.

The original—in every sense of the word—story by John Rawlins and Harold Tarshis, the fast moving, gripping screenplay and adaptation by Gordon Rigby and Tom Kilpatrick, the crisp direction by Lewis D. Collins and the production by Larry Darmour constitute a model of collaboration.

Supporting Holt, who enacts the role of a cosmetic manufacturer ruined by a rival who institutes a whispering campaign to the effect that his merchandise is poisonous, are Dolores Costello, Addison Richards, Joseph Crehan, Donald Briggs, Pert Kelton and Paul Everton.

Ruined, Holt starts an advertising agency specializing in whisperings. As his first job, he ruins the firm of Miss Costello, whose employes, unknown to her, had ruined Holt. She disguises her identity, gets a job with Holt, and obtains evidence for criminal prosecution, only to return it to him when she discovers the crime of her own employes. Holt is sentenced to prison when he confesses his other crimes in order to stop rioting affecting a milk company against which he has directed a drive. In prison, he puts a whispering campaign to good use and prevents a riot, thus gaining himself a pardon.

Running time, 64 minutes. "G."*

VANCE KING

New York Reviews

"40 Little Mothers"

(d'Aguiar-National)

An engaging story of a bachelor who seeks to hide an abandoned infant in a finishing school where he is employed as a teacher, is used here as a mere background for an interesting series of character portrayals. It is a French production with English subtitles.

Little Philippe, as the 18 month old Pierrot, is easily the outstanding attraction as he alternately gurgles and cries through the film. Lucien Baroux plays the simple-minded professor without affectation.

Shortly before going to his new job at the school, he finds the baby on his doorstep and refuses to allow Pierrot to be taken to an orphanage. He conceals the baby in his room, but the girls discover his secret. They join in the conspiracy and assist Baroux in raising the baby. When the school principal, Gabrielle Dorziat, discovers the baby, she expels Baroux, but the girls refuse to permit the dismissal and his job is saved. Pierrot's unwed mother, Madeline Robinson, arrives to claim the child, and Baroux marries her. Leonide Moguy directed and Jean Guitton wrote the story.

Running time, 94 minutes. "A"*

**"A" denotes adult classification.*

"Wild Horse Canyon"

(Monogram)

In a fast-moving and action-packed western, Jack Randall seeks to avenge the murder of his brother by horse rustlers. The story by Robert Emmett proceeds smoothly and has its generous quota of shooting, fist fights and hard riding.

Accompanied by his Mexican pal, Frank Vaconelli, Randall tours the ranches in search of the killers. While riding the range, he sees Dorothy Short on a runaway horse, and rescues her. Her father, Dennis Moore, employs him to look for horse thieves. Randall observes the similarity of methods used with those preceding his brother's death, and finally identifies his men. Warner Richmond, as the foreman, and Ed Cassidy, as Moore's adopted son, are found to be responsible for the thefts.

Robert Tansey produced and Robert Hill directed. Randall's horse, Rusty, as usual, takes a leading part in the development of the story and succeeds in rescuing him from his captors.

Running time, 50 minutes. "G."*

**"G" denotes general classification.*

'Dawn Patrol' Is Hit in Detroit, Garners $16,000

DETROIT, Jan. 2.—Michigan here went to town with "Dawn Patrol" and "Say it in French" taking $16,000. "Thanks for Everything" plus a stage show gave the Fox $18,000. "Snow White" in the third week took $5,000. "Heart of the North" and "Arrest Bulldog Drummond" were strong at the Palms-State with $7,000.

Estimated takings for the week ending Dec. 29.

"A Man to Remember" (RKO)
"Breaking the Ice" (RKO)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,000. (Average, $5,000)
"Thanks for Everything" (20th-Fox)
FOX—(5,000) (25c-65c) 7 days. Stage: Sylvia Manon and Co., The Briants, Freddie Dosch, Brown and Ames. Gross: $18,000. (Average, $20,000)
"Dawn Patrol" (W. B.)
"Say it in French" (Para.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $16,000. (Average, $10,000)
"Heart of the North" (W. B.)
"Arrest Bulldog Drummond" (Para.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $7,000. (Average, $5,000)
"Snow White" (RKO)
UNITED ARTISTS—(2,000) (20c-65c) 7 days, 3rd week. Gross: $5,000. (Average, $10,000)

'Hard to Get' Gets $4,200, Oklahoma

OKLAHOMA CITY, Jan. 2.—Best gross in a slow week was taken by "Hard to Get" at the Midwest, with $4,200. Other houses found the going difficult, with the weather cold and wet most of the stanza.

Estimated takings for the week ending Dec. 22:

"Service DeLuxe" (Univ.)
CRITERION—(1,500) (25c-35c-40c) 4 days. Gross: $1,800. (Average, $5,200)
"Spring Madness" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 4 days. Gross: $2,300. (Average, $5,200)
"Swing That Cheer" (Univ.)
"The Last Express" (Univ.)
LIBERTY—(1,200) (20c-30c) 7 days. Gross: $2,200. (Average, $2,500)
"Hard To Get" (W.B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,200. (Average, $4,500)
"Drums" (U.A.)
STATE—(1,100) (20c-25c-40c) 7 days. Gross: $3,500. (Average, $3,000)
"A Christmas Carol" (M-G-M)
TOWER—(1,000) (25c-35c) 7 days. Gross: $1,900. (Average, $2,500)

Awards Designated In Columbia Drive

Plans have been completed for the awards in Columbia's 10-week "Personal Achievement Campaign" which opens Jan. 9. First award, for branch managers and salesmen, will go to those members of the 12 branches which show the best general performance in sales at the end of the period compared with the 1937-'38 season. Second award will go to the bookers of the first 12 branches which show the greatest improvement in billings over last year.

Briefs Are Filed in Action Against Loew

Briefs were filed on Friday with Justice Louis A. Valente by Emil K. Ellis, as attorney for plaintiff stockholders and by Joseph M. Proskauer, as attorney for Loew's and the other defendants in the stockholders' suit brought against Loew's.

"KENTUCKY"

The Great American Moving Picture

ALREADY HELD OVER AT...

Roxy, **NEW YORK**... Rialto, **LOUISVILLE**
Poli, **NEW HAVEN**... Malco, **MEMPHIS**
Poli, **HARTFORD** ... Fox, **ST. LOUIS**
and as we go to press, holdover reports continue coming in from other pre-release spots!

AND HEADED FOR HOLDOVERS AT...

the Great Lakes, **BUFFALO** . . . Palace, **CINCINNATI**... Esquire, **KANSAS CITY**... Fox, **MILWAUKEE** . . . Orpheum, **PORTLAND** ...Palace, **CANTON**...Worth, **FORT WORTH** . . . Regent, **GRAND RAPIDS** . . . Colonial, **HARRISBURG**...Metropolitan, **HOUSTON**... Lincoln, **MIAMI**...State and Byrd, **RICHMOND** . . . Lincoln, **SPRINGFIELD** (ILL.) . . . Gillioz, **SPRINGFIELD** (MO.) . . .Tulsa, **ORPHEUM**... Capitol, **WHEELING!**

THEY MADE SURE THEY'D START THE NEW YEAR RIGHT!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Headlines Review the Motion Picture Year

January

Jan. 3.—Details of M-G-M profit-sharing contracts. Government shakeup of French industry expected.
Jan. 4.—Broadway New Year grosses go over $25,000. Film stocks off $251,198,750 in 1937.
Jan. 6.—RKO net earnings for 1937 estimated at $1,900,000. Congress rush may sidetrack film bills. Little hope for end of giveaways in New York seen.
Jan. 7.—Joseph Seidelman named vice-president of Universal. Majors study resumption of film shipments to Japan.
Jan. 8.—British-U. S. trade pact talks to include films. Joseph A. McConville named general foreign sales manager of Columbia.
Jan. 10.—Financial interests seek agreement on new board and management for RKO. Photophone license pact renewals up on coast.
Jan. 11.—G.B. sues RCA and Erpi on alleged infringement of speed sound service. Regents Board to take over appeals from New York censor.
Jan. 12.—Resumption of U.A.-Selznick talks awaited. No theatre recession seen in Midwest by A. H. Blank.
Jan. 13.—Paramount and Emanual Cohen sever production arrangement. Korda sails without plans for U. S. release. ITOA seeks rental cut.
Jan. 14.—Ford resigns as editor of Universal Newsreel. Justice Dept. denies that films are under attack.
Jan. 15.—New producing head for Grand National is sought. Outlawing of holding firms is Roosevelt aim.
Jan. 17.—New York theatres gain in 1937, total 1,081. French trade is disturbed by tax change. Sears hits giveaways.
Jan. 18.—Dallas appeal on license restrictions on admissions filed with Supreme Court. Hays office announces 17,000 theatres.
Jan. 19.—Whitney offers to buy 60 per cent of United Artists. German consul seeks cuts in *Time* reel on Nazis.
Jan. 20.—Leo Spitz will stay on coast indefinitely. Nathan Yamins again named to head Allied.
Jan. 21.—Paramount to ask injunction against North Dakota divorce law. Distributors join fight on tax in France.
Jan. 22.—Warner calls *Time* reel pro-Nazi. Tax receipts for 1937 top 1936, with $20,974,000.
Jan. 24.—MPTOA drops plan to hold spring meeting. Ascap Florida law to be fought.
Jan. 25.—Delay on new RKO plan until fall is now seen. Kuykendall's hopes rise on 10-point plan.
Jan. 26.—Loew stockholders approve new pacts for officers. RKO circuit head to be selected soon.
Jan. 27.—New theatres in 1937 up to 885; cost was $27,225,000. Paramount 1937 net estimated at $6,030,000.
Jan. 28.—U. S. film exports gain 6,000,000 feet in 1937, Commerce Dept. reports. Warner 13-week net $1,685,599.
Jan. 29.—Expect action on RKO posts in a few days. New season's selling gets earlier start.
Jan. 31.—Film duties will figure in Canada trade treaty talks. Warners plan to refinance next summer.

February

Feb. 1.—James R. Grainger to be head of Republic under Herbert Yates. U. S. Supreme Court grants Dallas review.
Feb. 2.—Advertising Advisory Council rejects only 397 ads from total of 14,033.
Feb. 3.—ITOA to join fight against chance games. Charles C. Pettijohn makes arbitration plea in Minneapolis.
Feb. 4.—R. H. Cochrane's pact settled. He leaves Universal. Quality provision is added to British Films Bill.
Feb. 5.—Fleischer to construct big Miami studio. S.E.C. details year-end shifts in film stocks.
Feb. 7.—Changes are sought to speed RKO reorganization. John Sutro asserts Korda is asking more revenue.
Feb. 8.—M-G-M to hold its total to 52 next year. MPPA, in Hollywood, elects Joseph Schenck president.
Feb. 9.—Universal product lineup to be set on coast. Board of Trade drops alternative quota plan in English bill.
Feb. 10.—Senate Commerce Committee favors Neely bill. Definite move on RKO setup seen near.
Feb. 11.—Commons committee completes work on film bill. Yates says Republic aims to expand.
Feb. 14.—IATSE plans extension of union jurisdiction. ITOA probing hall and church chance games. World's film theatres total 89,097.
Feb. 15.—Actors' Guild moves to block IATSE plans. M-G-M drops plans to make three-reel films.
Feb. 16.—Playdate law invalidated in Ohio test. Court grants $215,440 for Roxy services.
Feb. 17.—Neely attacks "monopoly" in film industry. RKO figures $5,000,000 world-wide gross on "Snow White."
Feb. 18.—Tax problem delaying new moves on United Artists.
Feb. 19.—Financing for G.N. seen hinging on Phil Goldstone. Hearing on North Dakota stay set for March 1.
Feb. 21.—Opposition to duals spreading among parent-teacher groups. Broadway runs worrying subsequents.
Feb. 23.—Spits stays at RKO. "Divorcement" is shelved in Massachusetts. Trade units to fight English bill.
Feb. 24.—Berman keeps post as head of RKO production. Government kills three-for-one quota in English bill.
Feb. 25.—Film measure is approved by House of Commons. Coast leaders pay tribute to Louis B. Mayer.
Feb. 26.—Further delay on RKO plan to be asked. Studio unions request work be staggered.
Feb. 28.—Abram Myers to go west to aid North Dakota divorcement bill fight. RKO plan delay affects bondholders.

March

March 1.—ITOA hits at Neely bill as "headache." RKO plan amendments aim to hasten reorganization.
March 2.—Work increase to be problem at union meeting. Federal trust cases coming, report at Washington indicates.
March 3.—Four A's votes opposition to moves of IATSE. "Korda to stay in U.A. setup," Sutro declares.
March 4.—Coast storm damages studio sets. Jap Government plans control of films.
March 5.—O'Connor named to head of RKO Theatres. Regents group to hear first appeals here.
March 7.—Twentieth Century-Fox to increase list of foreign releases. Agree on new RKO-Berman pact.
March 8.—"Neely bill will not work," Kent declares. Columbia to keep list at 40 features.
March 9.—Hays office protests on Neely bill report in Congress. Expect triple quota to be reintroduced in England.
March 10.—French quota for half year is exhausted.
March 11.—Academy honors go to "Zola," Spencer Tracy, Louise Rainer. Appeals court hits dual ban in sales pact.
March 12.—Court demands more speed on plan for RKO.
March 14.—Kent is ready to aid arbitration.
March 15.—Nazi Austria coup new blow to U. S. films there. Metro to list 52 with 36 on big budgets.
March 16.—National sales meetings are curtailed. U.A. purchase moves suffer chill.
March 17.—Neely bill vote probability held small. Martin Quigley urges new standards in advertising. Metro sales setup realigned.
March 18.—Neely bill provisions and old Federal Trade Commission order seem similar.
March 19.—Brandt starts letter attack on Neely bill. End of Paramount court status up to judge.
March 21.—Union pact is about set for exchanges. New Jersey censor bill opposed by newspapers.
March 22.—Most theatre bills lost in rush at Albany.
March 23.—Majors study future course in Philadelphia dual situation.
March 24.—"Selznick's buy of U.A. is off," Goldwyn says. Blumberg named to MPPDA board.
March 25.—Twentieth Century-Fox net profit increases to $8,617,114. Syndicate seeks Cochrane Universal stock.
March 26.—Metro plan no increase in rental terms. Opposition delays Senate action on Neely bill.
March 28.—Profit sharing is latest U.A. plan. Leaders unite in Dallas tribute to Depinet.
March 29.—Hays' report champions films' self-regulation.
March 30.—U. S. films holding position abroad. Court extends copyright to all pictures.
March 31.—British quota measure is passed.

April

April 1.—High costs under new British quota law for American companies foreseen. 20th Century-Fox to produce 52 features for 1938-'39 season.
April 2.—S. R. Kent replies to Allied States "attack" on Neely Bill stand.
April 4.—Sam Dembow, Jr., takes charge in Fanchon & Marco. Paramount cash position reaches $12,000,000.
April 5.—Exhibitor penalty discovered in Neely Bill. Kent advocates industry conference to develop system for conciliation or arbitration of disputes.
April 16.—R. F. C. may increase Federal loans to theatres over F. H. A. maximums.
April 7.—Regional Labor Board upholds projectionists in barricading selves in booths to influence union recognition by exhibitor employers.
April 8.—Lewen Pizor pledges U.M.P.T.O. cooperation on Kent suggestion for industry conciliation plan. Ike Blumenthal, Paramount European manager, dies abroad ship en route to New York.
April 9.—Severe storms hit midwest theatre business. Japanese market for American films seen threatened.
April 11.—M.P.T.O.A. favors delay on industry trade practice conferences until Congress adjourns.
April 12.—Origin of controversial film, "The Birth of a Baby" revealed by MOTION PICTURE DAILY. Warners plan 60 features for 1938-39 season.
April 13.—Universal repays $2,000,000 bank loan preparatory to closing new financing arrangements. Key city Lenten grosses hit new low of $1,347,244.
April 14.—District Attorney's office moves to outlaw chance games in Bronx.
April 15.—N. Y. Board of Regents bans public exhibitions of "The Birth of a Baby."
April 16.—Post Office Department rules Bank Night is a lottery and bars it from use of mails.
April 18.—Paramount plans 58 features for 1938-39. M-G-M sets $3,000,000 budget for four British productions.
April 19.—RKO Radio plans 48 features for 1938-'39. Broadway grosses rise with end of Lent.
April 20.—London meeting of United Artists owners agrees to cut distribution charges to its producers and to inaugurate profit-sharing plan. New British financing for Universal arranged. 20th Century-Fox has first quarter profit of $1,641,537. Monogram plans 42 features for 1938-'39.
April 21.—Republic plans 55 pictures for 1938-'39. Budget set at $7,500,000.
April 22.—Legality of all theatre chance games in doubt following Post Office ruling on Bank Night. Academy of M. P. Arts & Sciences reoganization voted.
April 23.—RKO Theatres report 1937 profit of $1,483,281. Paramount Pictures reports first quarter net of $830,866. Variety Clubs annual convention opens in Cincinnati.
April 25.—Will H. Hays re-states industry stand against advertising on theatre screens.
April 26.—Maurice Silverstone to become United Artists general manager; retirement of Dr. A. H. Giannini as president seen following removal of company headquarters from California to New York. U. S. Supreme Court sends Dallas circuit contract case back to Federal District court for a "proper opinion." Paramount reports 1937 profit of $6,045,103.
April 27.—United Artists' board elects Maurice Silverstone chairman of executive committee. Allied States' Abram F. Myers urges public intervention in industry affairs.
April 28.—William Le Baron given new three-year contract as Paramount production head.
April 29.—Thurman Arnold, head of anti-trust division of Attorney General's office, outlines Government's "trust" policies.
April 30—Retirement of Dr. A. H. Giannini as United Artists president is denied.

May

May 2.—Samuel Goldwyn analyzes industry ills, finds exhibitor as much at fault as producer.
May 3.—General Talking Pictures loses Patent case in U. S. Supreme Court.
May 4.—New York Allied unit organized with Max Cohen at head.
May 5.—Distributors to take Philadelphia case involving legality of bans on double featuring to U. S. Supreme Court.
May 6.—United Artists amends by-laws to facilitate new producer affiliations.
May 7.—Hal Roach likely to be first new U. A. producer under new by-laws.
May 9.—M-G-M completes realignment of field personnel. Columbia plans 40 features for 1938-'39. Universal to establish advertising and publicity headquarters at studio. Monogram to produce 42 for 1938-'39.
May 10.—Warners plan 60 features for 1938-'39. Exchange employes union contract prohibits strikes without preliminary negotiations. Court sets damages in "Letty Lynton" case at $587,604.
May 11.—Universal plans 40 features for 1938-'39. William F. Rodgers to address Allied States national convention at Pittsburgh.
May 12.—Warner Theatres bar advertising films. Industry trade practice regulation moves depend on outcome of Neely Bill in Congress.
May 13.—Harry Brandt's blast on stars he views as "box office poison" was used 16 years before.
May 14.—Hal Roach signs eight-year contract as United Artists' producer.
May 16.—RKO's amended reorganization plan submitted to Federal court; new hearings required.
May 17.—Charles R. Rogers seeks definition of his studio authority from Universal board meeting. Stanton Griffis says Paramount contemplates no studio executive changes.
May 18.—Neely anti-blockbooking bill passed by Senate; House may not act on it. Grand National abandons production; will continue distribution. Allied States national convention names conditions for conciliation. Warners reduce new season program to 52 from 60.
May 19.—Allied States convention votes to continue legislative program; William F. Rodgers urges organization to aid in working out conciliation machinery.
May 20.—Charles R. Rogers relieved of production post by Universal board; Cliff Work appointed to run Universal studio. Irving Asher becomes London Films executive. Allied States convention asks reduction of film rentals.
May 21.—Universal settles Charles R. Rogers' contract.
May 23.—United Artists to make percentage film deals only. Edward Small to make eight features for United Artists new season's release.
May 24.—S. R. Kent optimistic on British business on return from abroad. James R. Grainger named president of Republic Pictures.
May 25.—Industry attorneys propose designation of permanent special master by U. S. Attorney General's office to decide complaints against Fox West Coast.
May 26.—American companies to make 41 to 47 features in England under new quota law.
May 27.—Motion picture unions gain 37,000 members in four years. RKO realigns southern sales organization.
May 28.—United Artists plans "about 30" features for new season release.
May 31.—American distributors of British product discuss plans for cooperative selling and distribution here.

(*Continued on page* 11)

THE BIGGEST PICTURE OF THE YEAR BRINGS THE FIRST NEW THING ON THE BILLBOARDS SINCE BARNUM FIRST PLASTERED A TOWN!

"TRAILERS ON 24-SHEETS"

FOR

GUNGA DIN

5,000 OF THEM ACROSS THE NATION

That's what showmen will call this revolutionary idea in movie posters! . . . Actual, life-like, giant-sized scenes from the picture itself—different from any movie paper you've ever seen before! . . . Conceived and developed by RKO Radio to get maximum realism and excitement on 5000 STANDS FROM COAST TO COAST! . . . A showing of SIX SEPARATE, DIFFERENT STYLES, POSTED ALONG THOUSANDS OF MILES OF HIGHWAY AND IN KEY CITY ZONES! . . .

Watch for them every time you walk, run or ride anywhere . . . They're worth looking for—and at! . . . And they're only a PART of

A NATIONAL ADVERTISING CAMPAIGN AS BIG AS THE PICTURE!

GUNGA DIN

starring **CARY GRANT ★ VICTOR McLAGLEN**
DOUGLAS FAIRBANKS, JR.

with

SAM JAFFE ★ EDUARDO CIANNELLI ★ JOAN FONTAINE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION
PRODUCED AND DIRECTED BY GEORGE STEVENS

From a Story by BEN HECHT and CHARLES MacARTHUR
Inspired by RUDYARD KIPLING'S Poem
Screen Play by Joel Sayre and Fred Guiol

WORLD PREMIERE
RADIO CITY MUSIC HALL
JAN. 26

RKO RADIO PICTURES

LITHO U.S.A.

Self-Regulation Attempt Feature of 1938

June

June 1.—Darryl Zanuck says 20th Century-Fox's new season production budget will be $3,500,000 higher than any other year.
June 2.—John D. Clark dies.
June 3.—Senator Mathew Neely admits his anti-block booking bill is "dead" for this session of Congress.
June 6.—I. A. T. S. E. to ask for its union label on every film.
June 7.—M. P. P. D. A. directors discuss plans for trade practice negotiations. Kent addresses I. A. T. S. E. convention. Martin Quigley to receive honorary degree from Loyola University (Los Angeles). Quigley Publications and CBS arrange for Pan-American broadcast.
June 8.—Herman Wobber named general sales manager of 20th Century-Fox. David Rose appointed manager of Paramount's British production.
June 9.—Universal completes studio executive realignment.
June 10.—Regional exhibitor organizations urge action on trade practice regulation. Charles Schwartz among new United Artists board members.
June 13.—Martin Quigley receives Loyola University (Los Angeles) honor degree. Federal court hearings concluded on constitutionality of North Dakota affiliated theatre divorcement law.
June 14.—Screen Writers Guild opposes A. F. of L. and C. I. O. affliation. Martin Quigley honored by Hollywood leaders for industry service.
June 15.—Dr. A. H. Giannini resigns as United Artists president.
June 16.—"Universal gross rentals increasing $50,000 weekly over previous year," J. Cheever Cowdin, board chairman, says. Paul Terry elected to M. P. P. D. A. board.
June 17.—Paramount theatre operators plan regional meetings. Producers and Screen Actors Guild to arbitrate revised contract demands.
June 20.—Two new directors to be named to Paramount board at annual stockholders' meeting. Herman Wobber gets five-year contract as 20th Century-Fox sales head.
June 21.—20th Century-Fox and United Artists to set up own distribution offices in South Africa.
June 22.—M. P. T. O. A. warns of Federal regulation of industry unless self-regulation program is speeded. Paramount management in majority on new board of 16 members.
June 23.—U. S. plans monopoly investigation in July.
June 24.—Maurice Silverstone given sweeping overall authority in United Artists. M-G-M to distribute David Selznick's "Gone with the Wind."
June 27.—Reorganization plan for Grand National presented to Federal court in Los Angeles. Major company heads and Will H. Hays confer with President Roosevelt at White House.
June 28.—Industry may appropriate $250,000 for World's Fair expenditures.
June 29.—S. R. Kent named to head industry committee to develop trade practice program. Nicholas M. Schenck, Leo Spitz, William F. Rodgers, Ned E. Depinet and Abe Montague are committee members.
June 30.—Industry plans prompt action on trade practice regulation. Special master approves RKO reorganization plan.

July

July 1.—Major distributors may disregard rigidly conservative attitude of counsel toward self-regulation. Portland theatres told to stop Bank Night. United Long Island Theatres reinstate six operators who struck.
July 5.—Warners will join self-regulation move, company spokesman indicates. Gain in free shows arouses exhibitors. Japan delays easing import rules.
July 6.—Ambassador Kennedy, in London, appeals for Anglo-American film cooperation. Germany extends its film rules to Austria. Exhibitors seek operator wage concessions for summer.
July 7.—Abram Myers asks Congressional probe of alleged film monopoly. Chicago independents renew demand B. & K. grant concessions.
July 8.—Allied denies it refused cooperation in self-regulation move. Atlas Corp. studies production in Italy.
July 11.—Lynn Farnol named U. A. advertising and publicity head. Aaron Saperstein, prominent Chicago exhibitor, dies of heart attack. Loew's 40-week net totals $8,352,675.
July 12.—Gainsborough to make British product for M-G-M. Government to coordinate all its film, radio activities in National Emergency Council. Columbia to issue options on 25,000 shares to executives.
July 13.—Fox West Coast plan to adjudicate disputes through Federal special master is put aside. London County Council votes new theatre regulations.
July 14.—Charles Chaplin's stand delays U. A. profit-sharing plan. "20th Century-Fox not to sponsor radio program," says Joseph Schenck. Industry to make "Cavalcade of America" film for World's Fair.
July 15.—Department of Justice assures no criminal actions will follow monopoly probes. Board of M. P. Arts and Sciences votes reorganization. M-G-M, Warners, Paramount, U. A., Columbia win Ampa awards.
July 18.—Howard Dietz named head of working committee for industry's promotion drive, urged by Will H. Hays. Production spurts at Astoria studios.
July 19.—Allied seeks "divorce" laws in all states. RKO reorganization plan approved by Special Master George W. Algar with minor changes. Paramount to appeal North Dakota "divorcement" decision.
July 20.—General plan approved for industry ad campaign. Independent companies not included in trade practice move.
July 21.—Government files sweeping anti-trust suit in N. Y. district court. Will H. Hays declares industry welcomes opportunity to clarify points at issue.
July 22.—Industry sees U. S. bid for consent decree in anti-trust suit. Conciliation efforts to continue. Paul Gulick named coordinator of industry promotion drive.
July 25.—S. R. Kent asserts industry must regulate itself. Atlas Corp. will permit its RKO-RCA securities option to lapse. Total of 410 contracts for new houses and major remodeling reported in six months.
July 26.—Legal precedent and recent court developments background U. S. anti-trust suit. Myron Selznick plans production.
July 27.—Universal obtains financing in England. Coal, meat cases disclosed as anti-trust suit precedents. Warners issue call for debenture exchange.
July 28.—Industry meeting pledges support to promotion campaign; $1,000,000 to be spent; more than $825,000 pledged. Campaign starts Sept. 1, ends Dec. 31.
July 29.—About half of 167 defendants in U. S. anti-trust suit already served with subpoenas. 20th Century-Fox half-year net is $3,419,658. U. A. sets $1,500,000 financing for Walter Wanger.

August

Aug. 1.—Distributors' self-regulation talks to resume on S. R. Kent's return from vacation. 20th Century-Fox to expand in South Africa, supporting theatre construction.
Aug. 2.—Darryl F. Zanuck defends studio talent interchange. Maurice Silverstone says Chaplin concurs in U. A. profit-sharing plan. Keith-Albee-Orpheum shows net of $388,194 for six months.
Aug. 3.—Trade practice committee rejects contractual clause for conciliation. Grand National creditors approve merger with Educational.
Aug. 4.—Department of Justice says anti-trust cases will show adequacy of anti-trust laws. Ascap not to seek music tax increase.
Aug. 5.—Trade practice talks suspended pending report by counsel on move's relation to anti-trust suit. Canadian exhibitors join Motion Pictures' Greatest Year campaign.
Aug. 8.—Lawyers feared self-regulation may jeopardize anti-trust suit defense. Fire department probe of N. Y. film laboratories asked.
Aug. 9.—Harold B. Franklin named general manager Motion Pictures' Greatest Year campaign by George J. Schaefer, campaign chairman. Paramount gets stock interest in DuMont television lab.
Aug. 10.—Hollywood industry meeting plans own radio program, non-commercial. Government grants 60-day extension for filing anti-trust suit answers.
Aug. 11.—"Marie Antoinette" appears to be season's only two-a-day roadshow. Only small increase in shuttered theatres during July and August. RKO announces new lineup.
Aug. 12.—Educational-G. N. merger details set. *Motion Picture Almanac* finds attendance at 88,000,000 weekly maximum in 1937.
Aug. 15.—Total of 5,404 prizes in $250,000 "Movie Quiz" contest. Operators to start picket drive in New York. British film import duties rise Aug. 20.
Aug. 16.—Pledges pass $900,000 in industry promotion drive. Studio wages to remain at present level, producer-union conference decides.
Aug. 17.—New Federal hour provisions may not apply to film players. RKO signs Douglas (Wrong Way) Corrigan for film
Aug. 18.—U. A. profit-sharing plan being revised to satisfy Chaplin. Legal tactics undecided in Government anti-trust action.
Aug. 19.—Paramount drops cooperative newspaper ads. Darryl F. Zanuck urges industry harmony.
Aug. 22.—Theatres to spend about $2,000,000 in Motion Pictures' Greatest Year campaign, Oscar A. Doob estimates. Archbishop McNicholas praises industry's efforts to improve standards.
Aug. 23.—National Theatres studies abandonment of giveaways. Department of Justice to seek bigger budget in anti-trust battle. Educational's brand name to be maintained.
Aug. 24.—New theatres have smaller capacity, survey shows. Forty-five committees organize ad campaign in New York area. Reciprocal trade relations with Canada seen.
Aug. 25.—Consent decree settlement of anti-trust suit to be discussed. Warners' new financing gains speed. Illinois Allied to file anti-trust action.
Aug. 26.—Whole country rallies to Motion Pictures' Greatest Year drive; first newspaper ads completed. M-G-M signs to release "Gone with the Wind."
Aug. 29.—Majors' fall advertising exceeds previous campaigns. Selznick-U. A. in agreement on releasing. Court approves G. N.-Educational merger.
Aug. 30.—Approximately 9,000 U. S. theatres to join promotion drive. Fox West Coast extends giveaway ban in California.
Aug. 31.—Radio warns of reprisals on ad drive; sole use of newspapers stirs broadcasters. M. P. T. O. A. asks quick industry reform.

September

Sept. 1.—Industry at new path, says Charles Pettijohn; government control or self-regulation the choice. G. N. will have $1,500,000, says Earle Hammons.
Sept. 2.—Ad campaign start boosts nation's theatre grosses. T. Kennedy Stevenson named Erpi president.
Sept. 6.—Twentieth Century-Fox may tie in with G. B. in production. Canada moves to revamp its film industry. William Bioff quits I. A. T. S. E.
Sept. 7.—Reports of Italian quota slash gains credence here. More than 3,000,000 "Movie Quiz" booklets ordered by N. Y. theatres. Mexican labor trouble closes studios.
Sept. 8.—Grosses leap as film year ends. William Bioff alleged to be in pay of producers. Mexico unions seek control of producer group.
Sept. 9.—U. A. changes voted; Andrew W. Smith resigns as sales manager. Department of Justice hints at moves for temporary injunction. Studio union locals get autonomy.
Sept. 12.—Company lawyers oppose self-regulation now. N. Y. stagehands to get 6 per cent increase. A. H. Schwartz, of Century circuit, N. Y., dies.
Sept. 13.—Paramount may expand theatre operations in England. Report Alexander Korda again seeking outside production.
Sept. 14.—Thurman Arnold taking independent exhibitors' affidavits in Government anti-trust suit. "C.I.O. behind I. A. T. S. E. attacks," Harold V. Smith charges.
Sept. 15.—U. S. companies seek Italy agreement; hope to avert liquidation in that country. Company lawyers to meet Thurman Arnold on anti-trust action. Rep. Celler urges U. S. subsidy for stage.
Sept. 16.—Major companies consider policy in Italy. New franchise deals to boost Republic's revenue. H. C. Miner named Century circuit president.
Sept. 19.—Theatre building and rejuvenation booms nationally. "Movie Quiz" booklet errors cut contest films by five. European managers meet on Italian situation.
Sept. 20.—No "isms" in films but Americanism, says Harry Warner. Chicago independents file anti-trust suit against B. & K. and major companies.
Sept. 21.—Loew's studies reaction to single bills. G. N. schedules 44 features, 24 westerns.
Sept. 22.—Trade groups go under U. S. probe. Federal admission levy falls to $1,425,063 in August. Companies resume shipments to Japan.
Sept. 23.—Hurricane smashes, floods film houses in wide eastern area. M-G-M not to force shorts, W. F. Rodgers says. Mae West forms production company.
Sept. 26.—Many New England theatres dark after hurricane. Legislatures, courts impending film headache.
Sept. 27.—M. P. T. O. A. to ask for companies' stand on self-regulation at annual convention. Ascap plans 10-year pacts with theatres.
Sept. 28.—British film trade rallies to Government in European crisis. Will H. Hays confers with Secretary Cordell Hull.
Sept. 29.—Company counsel meet with Department of Justice officials in Washington; explore possibilities for standstill agreement, etc. European crisis increases war films.
Sept. 30.—Final moves before court on RKO plan. Lawyers study next move in anti-trust suit.

October

Oct. 3.—Warners extend debenture deposit date to Dec. 1. MPTO invites producers to product talks.
Oct. 4.—Expect court approval for new RKO plan. 20th-Fox has two million in its ad budget.
Oct. 5.—Majors seek agreement in trust action.
Oct. 6.—Trade adjustments assured exhibitors. Admission tax for year tops $20,800,000.
Oct. 7.—Allied to join in trade talks if board approves.
Oct. 10.—Schaefer to head RKO; leaves U. A.
Oct. 11.—U. S. firms end film service in Italian market. Dual control by contracts hit by court.
Oct. 12.—Standstill pact studied.
Oct. 13.—Ascap laws of five states face validity test.
Oct. 14.—Estimate Loew 1938 profit $10,250,000. U. S. Paris men meet in Rome for film ban.
Oct. 17.—N. Y. bank syndicate ready to aid Universal with $2,500,000. Self regulation may stop trust suit, states Myers.
Oct. 18.—Trade ready for self regulation.
Oct. 19.—Trade talks get under way today. Plea for stay opposed in Chicago suit.
Oct. 20.—Spitz may resign from RKO today. Progress is reported in trade talks.
Oct. 21.—B. & K. clearance may be reduced. Majors confer on more work for musicians.
Oct. 24.—Schaefer takes RKO helm today. Wages-Hours fog settles on industry.
Oct. 25.—Korda to stay abroad. Will expand work. Find few film workers under Wage-Hour act.
Oct. 26.—Screens must be free, says Hays. U. S. film companies start ending Italian activities.
Oct. 27.—Universal now in middle of Odeon merger. Regionals end talks; Allied returns today.
Oct. 28.—Odeon-GB merger may oust Ostrers. Rockefeller won't go on RKO's board.

(*Continued on page* 12)

Headlines Review

(*Continued from page* 11)

Oct. 31.—U. A.-20th-Fox unite in South Africa. Trade parley report to be MPTO topic.

November

Nov. 1.—Decide theatres outside wage act. All officials reelected at MPTOA meet.
Nov. 2.—Industry reforms certain—Rodgers.
Nov. 3.—Neely threatens new booking bill. Cowdin leaves London; Odeon deal delayed.
Nov. 4.—Zukor quits studio for post in London. "British also out of Italy," asserts Gell.
Nov. 8.—Trade agreement seen in two weeks.
Nov. 9.—Aviation cycle sweeps studios. U. A. revising its plan for split profits.
Nov. 10.—U. S. Contempt charges filed in Chicago row. Government combats move on anti-trust details.
Nov. 11.—Annual film drive is seen as certainty. Judgment is reserved in trust action.
Nov. 14.—No changes in Para. policy by shift of Zukor.
Nov. 15.—Drama-Film truce possible by Dec. 15. Japanese may open door to 250 U. S. films.
Nov. 16.—Distributors, MPTOA final meet, Dec. 8-9.
Nov. 17.—British consider organizing a MPPA. Theatres plan in trust suit held hopeless.
Nov. 18.—U. S.-British trade pact omits quota.
Nov. 21.—Trade reforms to be on wide scale. Chaplin plans again to enter U. A. production.
Nov. 22.—Court affirms earlier stand in G.T.P. case. Canada gains two concessions in trade pact.
Nov. 23.—RKO out of 77B by end of year. Trade pledges $225,000 to N. Y. Federation.
Nov. 25.—Filmdom rallies to aid refugees.
Nov. 28.—Films-Television showdown in 1940.
Nov. 29.—Divorcement seen in two years. W. B. refunding is extended to Mar. 15.
Nov. 30.—RKO theatre divisions in N. Y. shifted.

December

Dec. 1.—Set anti-ASCAP bills in Iowa and Colorado. Agreement for Australia now faces setback.
Dec. 2.—NLRB proposes to oust basic pacts. Trade reforms on program to make history.
Dec. 5.—James Roosevelt assumes film post with Goldwyn. Trade pact on way to Capital for Govt. O.O.
Dec. 6.—Pact draft not U. S. suit answer. James Roosevelt gets 5-year Goldwyn pact.
Dec. 7.—"Program not full solution," states Myers. Fairbanks may produce at SI coast studios.
Dec. 8.—Government pat on divorcement.
Dec. 9.—N. Y. exhibitors will kill games. U. S. units call Paris parley on Rome ban.
Dec. 12.—Majors will seek basis for decree. Britain anticipates drought of own films this summer.
Dec. 13.—Six plays bought in Nov.; None on B'way list. Exhibitors get 25% rejection in South Wales.
Dec. 15.—Samuel Goldwyn for divorcement. Theatre units split on trade practice draft.
Dec. 16.—Studios adopt 44-hr. week plan. Zukor will be good will boss for Paramount.
Dec. 19.—Pinewood-Denham merger is closed. Stockholders' disputes again halt RKO plan.
Dec. 20.—Local practice agreements to be negotiated.
Dec. 21.—Self-Regulation halted until Government acts. Coast unions not affected by wage bill.
Dec. 22.—Olson may ease Calif. tax rap. Studio fight on NLRB to highest court.
Dec. 23.—Shirley Temple is voted biggest 1938 money star. South Africa is enjoying huge building boom.
Dec. 27.—Independents led in '38 house buys.
Dec. 28.—Strong product booms Broadway. Managers act to get voice on basic pact.
Dec. 29.—Films will be used chiefly in television. Industry will help finance film library.
Dec. 30.—Court declares RKO's plan fair. Film stocks gain $92,202,500 in 1938.

Radio Personals

MERRILL PHEATT, program manager of WSPD, Dayton, and brother of Dick Pheatt, radio editor of the *Toledo Blade,* is spending the week in New York. . . . Philharmonic Symphony concerts on CBS will be broadcast for the 300th time Jan. 14. . . . Phil Baker has been signed for a guest appearance on Kate Smith's show Jan. 5, and John Barrymore for a similar stint on the Star Theatre Jan. 4. . . . Eight years of uninterrupted broadcasting will be celebrated on the Carnation program next Monday. . . . Red Skelton, a discovery of Rudy Vallee, has been signed as a regular member of the Avalon Time show. . . "True Detective Mysteries," sponsored by the Lambert Co., will add WHK, Cleveland, for 12 weeks starting this week.

Mexico Using Air To Bring Tourists

MEXICO CITY, Jan. 2.—Increased propaganda to attract tourists is being broadcast by the Federal Government's publicity department from the most powerful stations in Mexico—XEDP and XFXA of the publicity department; XECR of the Ministry of Foreign Relations; XEFC of the Party of the Mexican Revolution, and XEW and XFB, privately owned, all in this city.

The programs on all the stations are broadcast for a full hour.

Finch Patents New Facsimile Speeder

Finch Telecommunications Laboratories has just been granted three new patents on a new high speed facsimile system. The new system, it is claimed, will increase the speed threefold over the present system by the application of multiple scanning pens, actuated continuously.

Adds 7 More Stations

"Don't You Believe It," sponsored by P. Lorillard & Co. for Sensation Cigarettes on Mutual, adds seven more stations Jan. 24 for 26 weeks. The added stations increase the program's network to 28 stations, exclusive of the Don Lee chain in California, which also carries the series. Lennen & Mitchell is the agency.

Set NBC Coast Tours

HOLLYWOOD, Jan. 2.—Studio tours will be inaugurated at the NBC studios here this week. The tours will operate similarly to those at Radio City, with visiting groups leaving the main lobby at half-hour intervals, 20 to a group. Admission will be 40 cents, with special rates to groups and organizations.

NBC Adds 3 Accounts

Since revising the policy of accepting transcriptions on WEAF and WJZ up to 9 A. M., NBC has added three accounts, Olson Rug Co., Morris Plan Bank and RCA have bought time on these stations, using transcriptions. Currently RCA is using six half-hour periods weekly on WEAF; Morris Plan is on WJZ four times weekly.

Papal Blessing on 'Ave Maria' Program

First papal blessing ever bestowed upon an American radio program has been granted to the "Ave Maria" program on WMCA, conducted by the Franciscan Friars. The blessing, a document of parchment, bears the seals and signature of Joseph Cardinal Migone, Archbishop Nicomediensis and private almoner of the Holy See. The document will be framed and hung on the walls of the Chapel in St. Christopher's Inn maintained by the Friars at Graymoor, New York.

WOR Again Wins Advertising Prize

For the third consecutive year, WOR's sales promotion department has been presented with the annual award of the American Institute of Graphic Arts. WOR has been the winner of the award since 1936 when Joseph Creamer, sales promotion head, joined the station staff.

The prize this year was given to WOR for the booklet "What Goes on Here," and a magazine advertisement titled "Out of Our Hat." The pieces were honored on three counts, excellence of copy, unique design and layout and skill in handling the problems presented.

Cecil and Presbrey Firms Join Forces

Advertising firms of Cecil, Warwick & Legler and the Frank Presbrey Co., have been combined under the name of Cecil & Presbrey, Inc., with offices in New York, Chicago, Richmond and Miami.

Under the new setup, James Cecil will be chairman of the board, Charles Presbrey, president, and John Cecil, secretary and treasurer. LeRoy A. Kling will be a partner and vice-president in charge of the Chicago office. Weston Hill will be in charge of the Miami office and Henry Souvaine will be a partner in charge of radio activities.

BBC Adds Foreign Unit

LONDON, Jan. 2.—British Broadcasting Corp. has extended foreign language broadcasts, with Daventry now enlisted to supplement the London regional French-German short-wave broadcasts. BBC calculates that the move will enable the programs to reach an additional 40,000,000 listeners.

FCC Calendar

WASHINGTON, Jan. 2.—Construction permit for a new 1,500-kilocycle broadcast station, to operate with 100 watts night, 250 watts day, has been asked of the Federal Communications Commission by the Coastal Broadcasting Co., Brunswick, Ga.

Other applications filed with the commission include a request of Station KRBA, Lufkin, Tex., for an increase in power from 100 to 250 watts.

Around the Country

Cincinnati

"WLW Spotlight," featuring Josef Cherniavsky and orchestra, plus guest soloists, will be fed to Mutual by WLW. The network will carry 11:15 P. M. programs Mondays and Wednesdays, with earlier broadcasts on these nights and Fridays aired to local areas. . . . "The Mad Hatterfields," script serial, heretofore a sustainer over WLW, 4:45 to 5 P. M., will be sponsored by Horlicks, starting early in January. . . . WCKY will carry all music from Gibson Hotel. WLW-WSAI has been airing programs from this spot for several years prior to the new arrangement. . . . "Everybody's Farm," WLW sustainer, aired Saturdays 8 to 8:30 A.M., goes to a full hour Jan. 7. . . . *Cincinnati Enquirer* gave WKRC, CBS outlet, full page art spread covering recent three-hour jamboree, aired to solicit funds for needy local families.

WHBF Will Join Mutual on Jan. 14

WHBF, giving coverage in Davenport, Ia., Moline, Ill. and Rock Island, Ill., and located in the latter city, becomes an affiliate of the Mutual network on Jan. 14. On the day it joins the network, WHBF also begins operation at increased power, 1,000 watts day an night.

Station is owned and operated by the Rock Island Broadcasting Corp., an affiliate of the Rock Island *Argus.* It operates on 1,240 kilocycles.

Arrangements are now in progress to broadcast salutes to Mutual's 110th affiliate on the day it joins the network.

Edmonds to WLW-WSAI

CINCINNATI, Jan. 2.—Bill Edmonds, formerly of KWK, St. Louis, has joined the announcing staff of WLW-WSAI. He also has been associated with KMOX, St. Louis, KFRU, Columbia, Mo., and WOC, Davenport, Ia.

Lambert Joins Mutual

Burt Lambert has joined the sales staff of Mutual in New York today. Lambert previously was with the national sales department of Hearst Radio, and more recently with KYW in Philadelphia.

Trammel Arrives to Take New NBC Post

Miles Trammel, NBC executive, arrived in New York over the weekend to assume his duties as executive vice-president. Before leaving Chicago Trammel appointed Sidney Strotz manager of the NBC central division and C. L. Menser production manager.



ESSENTIAL BOOKS FOR SUCCESSFUL THEATRE OPERATION

AIR CONDITIONING

by CHARLES A. FULLER

$4.00
POSTPAID

567 pages, dealing with air and its properties, plant load calculation, air distribution, grilles, heating and dehumidification, fans, cooling coils and air-washers, mechanical refrigeration processes and machinery, well drilling and well-water cooling, ice cooling, storage refrigeration, evaporative condensers and water saving devices and methods, unit coolers, automatic control, air cleansing and purification, and codes and ordinances regulating installation. Book is bound in cloth, has index system and psychrometric charts.

F. H. RICHARDSON'S BLUEBOOK of PROJECTION

$6.25
POSTPAID

This is the revised sixth edition and is now in its second printing. It includes 722 pages of up-to-the-minute text, charts and data with detailed description of assembly, wiring and functioning of all modern sound and projection apparatus. It is a practical "trouble shooter," and is cross indexed for immediate reference in any projection room emergency.

MOTION PICTURE ALMANAC

$3.25
POSTPAID

The 1938-39 edition is bigger and more comprehensive than ever before. *International* in scope, it contains over 1200 pages crammed with vital facts and figures covering every phase of the Motion Picture Industry. The Who's Who section alone, includes more than 12,000 biographies. Every exhibitor needs this annual industry reference. Edited by Terry Ramsaye.

THEATRE ACCOUNTING

$4.00
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Written by William F. Morris. Acknowledged to be the best bookkeeping system for theatres. Enables you to keep your accounts easily and accurately, tabulating each day's receipts and expenses. Guards against income tax troubles and losses through errors. Thousands of exhibitors are using this ledger because it is easy, self-operating and accurate. Order yours to-day.

MOTION PICTURE SOUND ENGINEERING

$6.50
POSTPAID

547 pages; illustrated; covers every practical method and process in present-day sound engineering. Leading engineers explain every detail of apparatus and its arrangement, with diagrams, tables, charts and graphs. This manual comes straight from the workshops of the studios in Hollywood. It is indispensable to everyone working with sound equipment.

QUIGLEY BOOKSHOP

ROCKEFELLER CENTER, NEW YORK CITY



A word to the EYES is sufficient!

- When you flash a Pre-vue trailer on your screen you are capturing the immediate attention of every eye in your theatre . . . telling your sales story to a hundred percent audience . . . and at the lowest cost per reader of any medium of advertising this business affords . . .
- That's why more than 12,000 exhibitors use Pre-vues by . . .

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BOSTON	36-38 Melrose St.	DES MOINES	1003½ High St.	NEW ORLEANS	1431 Cleveland Ave.
CHARLOTTE	219-21 Mint St.	DETROIT	2949 Cass Ave.	NEW YORK	630 Ninth Ave.
CHICAGO	1307 So. Wabash Ave.	KANSAS CITY	1706 Wyandotte St.	PHILADELPHIA	1201-07 Vine St.
CINCINNATI	119 West Central Pkway.	LOS ANGELES	2018 So. Vermont Ave.	SAN FRANCISCO	168 Golden Gate Ave.
CLEVELAND	2336 Payne Ave.	MEMPHIS	500 So. 2nd St.	ST. LOUIS	3318 Olive St.
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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 2 NEW YORK, WEDNESDAY, JANUARY 4, 1939 TEN CENTS

Paris Houses May Close in Tax Protest

Vote to Shut Today Until New Levy Is Lifted

By PIERRE AUTRE

PARIS, Jan. 3.—All film houses in Paris, numbering 350, will close tomorrow in a protest strike against the institution of municipal taxes ranging from 3.60 per cent to 15 per cent on net receipts, voted by the Paris City Council Dec. 31.

The new taxation is estimated to increase to 57 per cent the amount paid in state pauper taxes, special licenses, poster, stamp and light taxes. The new taxes would amount to 44 francs for every 100 francs taken in at the box-office.

After a two-day meeting, presided over by Raymond Lussiez, Paris exhibitors, supported by producers, distributors and provincial exhibitors, decided today to close their houses until the new tax is eliminated. If satisfaction is not obtained in one week, Paris suburban houses will close, and in two weeks, the provincial houses as well.

The new tax would cost Paris exhibitors $700,000 annually, which is seen as indirectly affecting the entire French film industry. Closing of the houses will affect 25,000 employes of Paris theatres.

Broadway Holiday Grosses Gain 15%

New Year's weekend business topped off one of the best holiday weeks Broadway has seen in several years. Estimates of business set the total receipts at about 15 per cent ahead of last year's. Extra shows on Saturday played to capacity.

"The Beachcomber" at the Rivoli helped pull that house out of the doldrums. First week, which ended Sat-

(*Continued on page 6*)

M-G-M Signs Cantor For Film Within Year

LOS ANGELES, Jan. 3.—M-G-M today signed Eddie Cantor for one picture to be made within a year. The production is not yet chosen. The comedian's last was "Ali Baba Goes to Town" for Fox made as first of two pictures on contract abrogated by mutual agreement.

Radio—Page 11

Denham-Pinewood, London Films Parted

London, Jan. 3.—Under the merger of Denham and Pinewood Studios the operations of the studios have been separated from London Film Productions. The merger was put in effect here with the registration of Denham & Pinewood Studios, Ltd. The new company has ratified the merger agreement. The company is registered with a capital of $3,750,000.

It will establish agreements with Pinewood, London Films, Prudential Assurance and Equity Life Assurance, all of which are financially interested in the Denham-Pinewood studios.

First directors named to the new company are E. H. George and Capt. Richard Norton.

Anti-Block Booking Bill Before House

WASHINGTON, Jan. 3.—An anti-block booking bill was introduced in the House at the opening session today by Congressman Andrew Edmiston (Dem.) of West Virginia. The bill is patterned in all major particulars after its predecessor, the Pettengill bill, which was before the House for several consecutive sessions without being passed. Congressman Edmiston was the sponsor of the anti-block booking bill, companion measure to the Neely Bill, which was before the House last year.

CONTEST ENTRIES BELOW ESTIMATE

UA Wins Tax Case Verdict In High Court

WASHINGTON, Jan. 3.—In one of busiest sessions in a long period, the U. S. Supreme Court today decided one case involving motion pictures, rejected appeal in another and set a third for hearing, possibly tomorrow.

The case decided was that brought by United Artists, challenging the validity of the West Virginia gross receipts tax as applied to corporations not actually doing business within the state, the court holding that the film company was engaged only in interstate commerce with respect to its West Virginia operations and therefore not subject to the levy.

Affirming a decision of the District Court, Associate Justice Stone, speaking for the Supreme Court, pointed out that United Artists contracts to furnish pictures to West Virginia exhibitors but all contracts are executed at its New York office, films are shipped to exhibitors from without the state and payments must be made to the company's exchanges in other states, and that the company has

(*Continued on page 6*)

Expect 2,000,000 Quiz Returns on Basis of Mail to Date

Approximately 2,000,000 entries, but not more, a figure far below the optimistic estimates by campaign headquarters at the start of the contest in September, in the industry's $250,000 Movie Quiz contest, are seen as the total by Radio & Publications Contests, Inc., which is handling the answers for the Motion Pictures' Greatest Year campaign.

The expected total, which can not be estimated with any degree of accuracy, is on the basis of returns to date, which are believed by the contest organization to be 1,500,000. With the competition ending Dec. 31, the present, final flow of mail has swamped the facilities of the contest organization in the Grand Central Palace Building, which apparently was caught unawares by this rush.

By the end of last week it is estimated 500,000 entries had been received. Recepits began accumulating on Saturday. Jack Todd of the contest office estimates that since the weekend about 1,000,000 entries have

(*Continued on page 6*)

Italy May Meet American Terms

Newspaper dispatches from Rome yesterday reported that Italy might meet the terms of RKO, Columbia, United Artists and Universal contracts with their Italian film distributors, thus forcing them to remain in business in that country or make themselves liable for breach of contract.

No confirmation of the reports was available at home office foreign departments where, it was said, no word of such a procedure had been communicated to them by Italian officials. All ceased to service their Italian representatives as of Dec. 31, when the Italian distributing monopoly decree became effective.

Loew's, Paramount, 20th Century-Fox and Warners, the dispatches said, closed their Italian offices Saturday, dismissed their Italian employes and destroyed prints to avoid confiscation.

WPA Theatre Drops 1,000; May End Project on B'way

Virtual elimination of the WPA Federal Theatre Project from the Broadway scene was indicated yesterday when 1,000 actors, musicians, directors, stagehands, electricians and other employes received dismissal notices, effective Jan. 16. The 30 per cent cut in personnel affected all departments and an effort was made to distribute the dismissals evenly.

The F.T.P. has four productions on the boards at present, and two more in rehearsal. Officials were reluctant to discuss the future policy of the project yesterday, but it was felt generally that the Broadway productions would suffed most. Besides productions for which admissions are charged, the project also has a traveling circus and a number of units which play for schools, colleges, settlement houses, public parks and similar non-profit organizations.

Full quota of the New York City project was 4.000 employes, but this had been reduced by resignations to approximately 3,500. This figure has now been further reduced to 2,500. Other units of the arts' project dropped 500.

Since its inception, in November, 1935, the project has produced approximately 65 plays for which regular admission prices were charged. Many of the Broadway producers were critical of the competition by the Government with privately backed shows. Actors' Equity originally was opposed to such competition, too, but later changed its attitude and lent vigorous support.

Purely Personal

FRED McCONNELL, HARRY BUCKLEY, LOWELL CALVERT, FRANK ALSTOCK, BUDDY MORRIS, MITCHELL RAWSON, DEE LORENZ, BETTY GOLDSMITH, BEN WASHER lunching yesterday at the Tavern.

•

CLARKE ROBINSON, SIDNEY PHILLIPS, MORT SPRING, BETTY BROWN, CHESTER ERSKIN, JOHN D. HERTZ, JR., seen at lunch at Sardi's yesterday.

•

MAJOR GEN. JAMES G. HARBORD, chairman of the board of RCA, was married over the weekend to MRS. ANNE LEE BROWN at Rapidan, Va.

•

PATRICK COYLE of the Jam Handy contact staff, has been transferred from Detroit to New York as assistant to GEORGE B. FINCH.

•

DOROTHY AYLESWORTH, daughter of MERLIN H. AYLESWORTH, former RKO president, will be married today to ROBERT G. KNOTT.

•

J. P. FRIEDHOFF, treasurer of Monogram studios, has returned to the coast after a vacation in New York.

•

NAT WOLF, Warner zone manager in Cleveland, has left for two weeks in Dallas, joining his wife there.

•

PAT CASEY, PHIL REISMAN, JAMES MULVEY, JIM ROOSEVELT, at the Plaza yesterday for lunch.

•

LEON SCHLESINGER, cartoon producer for Warners, is in New York for several weeks.

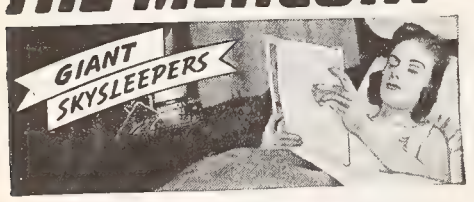
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GEORGE J. SCHAEFER and MRS. SCHAEFER returned yesterday from a trip to Miami.

Bernstein to Be Host At Federation Lunch

David Bernstein, vice-president and treasurer of Loew's, Inc., who is co-chairman of the amusement division drive of the Federation for the Support of Jewish Philanthropic Societies of New York, will be host to drive committee members at a luncheon at the Astor, Friday.

THE MERCURY



OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (*only* 3 *stops*)

Southerner Lv. 10:45 p. m.

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc

Insiders' Outlook

By SAM SHAIN

JAMES ROOSEVELT spent his first official day yesterday as vice-president of Samuel Goldwyn, Inc., in the latter's home offices, on the 17 floor, 729 Seventh Ave., as follows:

9:30 A.M.—James Roosevelt arrived at the office. Handled correspondence and examined contracts until 11:00.

11 A.M.—Received reporters from a trade paper, the *World-Telegram* and *The Daily News.* He told them nothing new.

11:30 A.M.—Conferred with Maurice Silverstone, operating head of U. A., James Mulvey, eastern chief for Goldwyn and other U.A. officials.

12:30 P.M.—Had luncheon at the Plaza Grill with Richard Dwight (Dwight, Harris, Koegel & Caskey) attorney for Goldwyn, and James Mulvey.

2 P.M.—Returned to his office to read more correspondence.

2:30 P.M.—Attended as observer, a meeting of the United Artists board of directors, which lasted throughout the afternoon.

Sometime after 6 P.M.—James Roosevelt checked out.

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The Annenbergs will soon market a new, radio digest, magazine.

▼ ▼

One of the finest jobs of organizing in this or any other industry is that which has been accomplished by Max A. Cohen (Cinema Circuit) in helping to establish in New York State an active, energetic unit of Allied. Allied which was never strongly organized in the Empire State, before, now can boast of a truly exhibitor body numbering around 200 members, largest perhaps of any exhibitor unit, affiliated or independent. The 200 members probably represent 500 theatres.

▼ ▼

"A big bunch of posies to you, Martin Quigley, for your splendid editorial against 'Preferred Playing Time,'. 'Compulsory Block Booking' and 'Blind Selling of Pictures,' as expressed in your editorial, 'What the Industry Faces in 1939,'" said J. P. Wood, secretary of the Ohio I.T.O., in his current service bulletin to exhibitors.

"Every exhibitor receiving this bulletin should carefully read this editorial which appeared in MOTION PICTURE DAILY of Dec. 16."

▼ ▼

Hollywood, today, must be writhing from that solar plexus blow by the New York film critics. The boys and girls who have so much to say about what is good or bad in films, on Broadway, have gone pretty far to put the weight of quality in product on the foreign side rather than in America. They made their selections of the 10 best films of the year and what have they listed?

Collectively the critics picked "The Citadel," a British-made picture, released by Metro, as the best picture of the year, here or anywhere.

Individually, the critics have picked variously from four to seven out of their 10 best, as foreign.

▼

From Howard Barnes' best 10, in the *Herald-Tribune,* you have these foreign pictures: "Grand Illusion," "The Citadel," "Life Dances On," "The Lady Vanishes," "To the Victor," "The Beachcomber," and "Pygmalion."

Kate Cameron, in the *Daily News,* among her 10, picks the following foreign films: "The Citadel," "To the Victor," and "The Lady Vanishes."

Bland Johaneson, of the *Daily Mirror,* in her 10 best, selects the following foreign-made pictures: "To the Victor," "Pygmalion," "The Citadel," "The Lady Vanishes" and "The Beachcomber."

Frank Nugent, in the *Times,* among his 10 best, includes the following foreign pictures: "The Citadel," "To the Victor," "Pygmalion" and "The Lady Vanishes."

▼

A Britisher, Alfred Hitchcock, was granted highest distinction as top director of the year.

Maybe this proves that the New York critics are independent, or something else. Maybe it proves that good films know no nationality, and that good films can be made outside of Hollywood.

Certainly, the critics have started something for Hollywood and the trade as a whole to ponder, seriously.



Deluxe overnight Sleeper

★ Latest evening departure — 5:20 p.m.—with arrival for morning business in Hollywood. Or take United's famous Overland Flyer, another Sleeper plane, leaving at midnight. Fast. luxurious. fewest stops.

RESERVATIONS at 58 East 42nd Street, MUrray Hill 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

The Main Line Airway

King Honors Gell

London, Jan. 3.—W. J. Gell, managing director of Pathe Pictures, Ltd., has been appointed a Commander of the British Empire in the New Year's Honors List of King George VI.

Compromise on City Tax to Save Majors $80,000 to $100,000

Compromise on sales tax penalties reached with the City Comptroller's office yesterday will save major distributors from $80,000 to $100,000. Agreement provides for a seven per cent payment to the city by each company on the principal amount of the tax due. The city originally levied a charge of one per cent per month on individual company taxes as a penalty, in addition to five per cent of the total tax.

In most cases the original penalty would have amounted to 30 to 39 per cent of the principal or an estimated total for all companies of $144,000. The compromise establishing the seven per cent charge reduces the total payments to about $54,000. The city levied the additional charge for the 24 months period during which distributors did not pay the two per cent city sales tax while its application to film rentals was being litigated.

The compromise was concluded by Charles Schwartz of Schwartz & Frohlich, representing distributors, and Colonel Arthur V. McDermott and Samuel Orr, representing the city.

Brewster, Pioneer in Fan Magazines, Dies

Eugene V. Brewster, pioneer fan magazine publisher, died early Sunday morning at Long Island College Hospital of heart disease. Private cremation was held on Monday. He was 67 years old.

In 1911 he started The Motion Picture Magazine with the backing of the Vitagraph Co. This led to an organization pubilshing Motion Picture Classic, Movie Monthly, Shadowland, Beauty.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-5100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c



HOW MUCH IS GOOD WILL WORTH TO YOU?

Hundreds of bookings are pouring in for "A Christmas Carol" *after* the holidays!

Why?

Because it is the greatest good-will entertainment of years.

It will be as timely on July 4th as it was on Christmas morning.

Wherever "Christmas Carol" has played it has won new friends for theatres and appreciation from their regular customers.

The power of the screen to inspire humanity toward better neighborly relationships was never so vitally expressed as in the heart-beat, the tears, the rich comradely qualities of this Charles Dickens masterpiece.

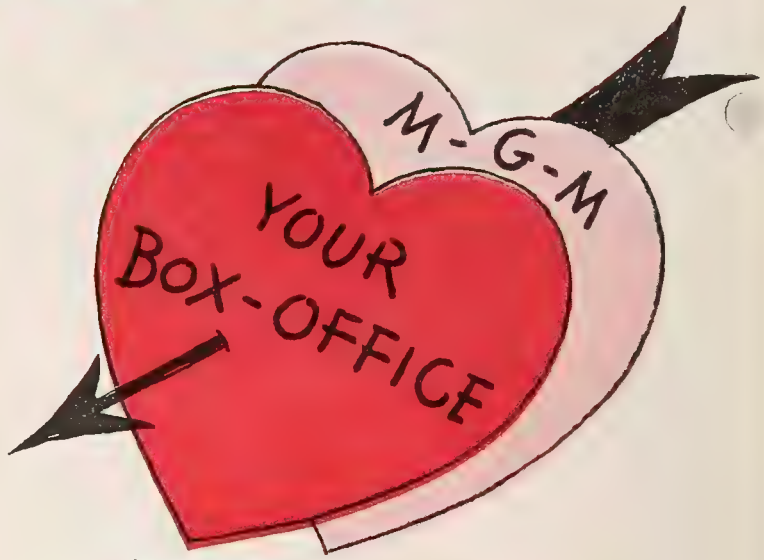
The word-of-mouth advertising built up during the holiday season makes "A Christmas Carol" eagerly awaited by thousands.

You owe it to your public and to yourself to foster the screen's worthiest entertainment.

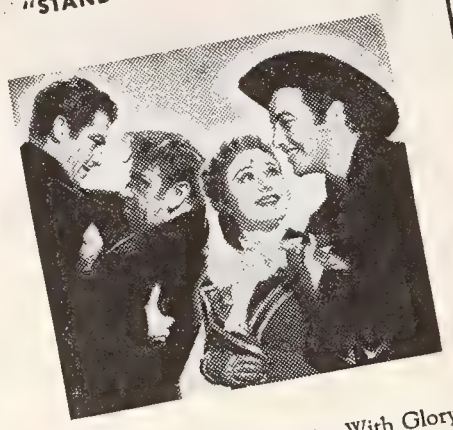
This is a booking that will repay you a hundredfold in the good will of your patrons.

LAUNCHING A SWEETHEARTY 1939!

Never has any attraction been started on its way so gloriously as "SWEETHEARTS" in 375 record-breaking simultaneous New Year's engagements! And here are more M-G-M Sweethearts to come!



ROBERT TAYLOR, WALLACE BEERY, FLORENCE RICE AND CHARLES BICKFORD IN
"STAND UP AND FIGHT!"



They Built A New America With Glory And Guns . . . They Were Men Women Could Love! *Greatest Adventure Drama Since "Mutiny On The Bounty"!*



They made New Year's very happy for exhibitors and public: Jeanette MacDonald, Nelson Eddy in the Technicolor sensation "Sweethearts."

NORMA SHEARER
CLARK GABLE
in Clarence Brown's
"IDIOT'S DELIGHT"



Not since "A Free Soul" and "Strange Interlude" such a drama for the screen's top favorites! Their exciting lips meet again! Norma...as a "lady in tights"! Clark...as a "ham" song and dance man of the honkytonks!



"HONOLULU"
THE LULU OF MUSICAL HITS!
ELEANOR POWELL, ROBERT YOUNG, BURNS & ALLEN, Una Merkel, Milt Britton's Musical Madmen and Hundreds of Honolulu Hula Honies.



"ICE FOLLIES of 1939"
with
JOAN CRAWFORD, JAMES STEWART, LEW AYRES
And the Stars and Ballet of the "Ice Follies Of 1939." An eyeful of Girls! Girls! A heartful of drama!

MICKEY ROONEY
in Mark Twain's
"HUCKLEBERRY FINN"



Huck! Mrs. Watson! "Pap"! Jim! Capt. Brandy! They all live again in this beloved romance of the Mississippi—and the boy who is "all boys in one!"

Walter Winchell Was Right! She's Really "Hedy Lamarrvelous!"



"I TAKE THIS WOMAN"
Spencer Tracy, great star of "Boys Town"...and electrifying Hedy Lamarr in her first picture since "Algiers"! This is THE love match of the century!

Dennis O'Keefe! Cecilia Parker! In **"BURN 'EM UP O'CONNOR"**! Thrills of the romantic, roaring speedway!



"FOUR GIRLS IN WHITE" with Alan Marshal, Florence Rice! Love secrets from a nurse's diary!



ROBERT DONAT, famed star of "The Citadel", in James Hilton's tender best seller— **"GOODBYE, MR. CHIPS!"**



"FAST AND LOOSE"—with Robert Montgomery, Rosalind Russell! Hilarious sequel to "Fast Company"!



JEANETTE MacDONALD
LEW AYRES • FRANK MORGAN
in
"BROADWAY SERENADE"



From the romance of a man who wouldn't be known as "Mr. Mary Hale"—comes this lavish modern musical for the alluring song star of "Sweethearts" and "Young Dr. Kildare"!



NELSON EDDY, VIRGINIA BRUCE, LIONEL BARRYMORE, VICTOR MacLAGLEN, EDWARD ARNOLD
In **"DAWN'S EARLY LIGHT."**



1939's Prize Cast in the adventures of "The Hornet" . Robin Hood of the Romantic West! MUSICAL!



LEW AYRES
LIONEL BARRYMORE
in
"DR. KILDARE ON HIS OWN"
Young Dr. Kildare's second thrill-hit. Staged in New York's dead-end streets!

"THE WIZARD OF OZ"
Filmed in Technicolor! With Judy Garland, Frank Morgan, Ray Bolger, Billie Burke, Bert Lahr!



So glorious, Hollywood predicts it will be as sensational as "Snow White"!

YOUR PUBLIC
M-G-M
STARS

THE
MARX BROTHERS
in
"A DAY AT THE CIRCUS"!



At Long Last! Their NEW hit!
WILLIAM POWELL • MYRNA LOY
in
"RETURN OF THE THIN MAN"



Here Come The Clowns! Their best since "A Night At The Opera."



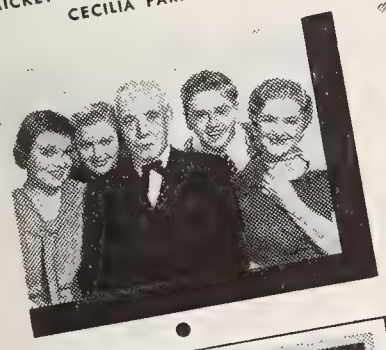
JOHNNY WEISSMULLER
in
"TARZAN IN EXILE"

"SERGEANT MADDEN"
in
WALLACE BEERY
The father, a cop! The son, a killer! Tumultuous drama for "Stablemates" star!



"THE HARDYS RIDE HIGH"
Each one is better than the last and here's the newest and best of America's most beloved family!
MICKEY ROONEY • LEWIS STONE
CECILIA PARKER





M-G-M CAMERAS WILL SOON FILM THESE ROUSING HITS!

Norma Shearer in "The Women"!

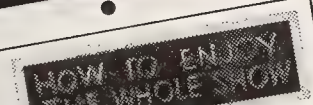
•

Robert Taylor, Hedy Lamarr in "Lady Of The Tropics"!

•

Greta Garbo in "Ninotschka"!





Go to theatres playing M-G-M SHORTS. They are the bright spots of any program; these little pictures often steal the show!
ROBT. BENCHLEY • PETE SMITH • CAREY WILSON
JOHN NESBITT • FITZPATRICK Travelalks • OUR GANG
CRIME DOES NOT PAY Series

The LION'S ROAR

WATCH FOR LEO THE LION'S OWN PERSONAL COLUMN OF M-G-M NEWS.

Appearing regularly in the following magazines:

McCALL'S
PICTORIAL REVIEW
REDBOOK
LOOK
LIBERTY
SCREEN ROMANCES
MODERN SCREEN
MODERN ROMANCES
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PICTURE PLAY
MOTION PICTURE
PHOTOPLAY
MOVIE STORY
SCREENLAND
SILVER SCREEN
SCREEN BOOK
SCREEN GUIDE
HOLLYWOOD
MOVIE MIRROR
MODERN MOVIES
MOVIE LIFE
and others to be announced

EXHIBITORS
THE FRIENDLY COMPANY

M-G-M, YOUR SWEETHEART!

Samuelson Named Business Manager Of Pa. Allied Unit

PHILADELPHIA, Jan. 3.—Sidney E. Samuelson, former national president of Allied States, has been given a contract as business manager of the newly formed Allied Theatre Owners of Eastern Penna., Inc.

The organizing committee has appointed David W. Yaffe, attorney, as assistant business manager. Walter Woodward, formerly southeastern sales manager for Erpi and more recently regional sales director for Altec, has been retained as general field representative.

The unit started to function Jan. 1, when the appointed officials assumed their posts. An intensive membership drive will start immediately. Offices will be opened in the Flint Building here.

Samuelson is a national leader in Allied. He has been active in exhibitor ranks since he organized the M.P.T.O. of New Jersey in 1920. Eleven years later this unit became Allied Theatre Owners of New Jersey, which he headed. He is a director of the New Jersey organization, a member of national Allied's trade practice negotiating committee and Allied's executive committee. He operates the Newton, Newton, N. J.

Broadway Holiday Grosses Gain 15%

(*Continued from page* 1)

urday, drew an estimated $37,000 with an additional $11,500 for Sunday and Monday. "Topper Takes a Trip" attracted an estimated $90,000 in five days ending Monday.

Over 200,000 paid admissions for "Kentucky" have thus far been received at the Roxy. First four days of the second week grossed $43,500 estimated. Second week of "Artists and Models Abroad" was strong at the Paramount with $55,000 estimated, of which $29,000 was taken on the weekend. "Dawn Patrol" attracted an estimated $40,000 in the first five days of its second week at the Strand. "Pygmalion," at the Astor drew an estimated $12,700 for the first five days of its fourth week. In its third week, an estimated $14,850 was grossed.

"Zaza" will go into the Paramount today with Benny Goodman on the stage. At the Strand, "Going Places" will be the next attraction. Louis Armstrong, who appears in the film, will lead his orchestra for the stage show. "Kentucky" will hold for a third week at the Roxy.

Future bookings at the Music Hall start with "There's That Woman Again" on Thursday, to be followed by "Trade Winds," "The Great Man Votes," "Gunga Din," "Made For Each Other," "Love Affair" and "Stage Coach."

"I Stand Accused" will start at the Criterion Thursday. "Grand Illusion" went into its 17th week at the Filmarte yesterday.

Monogram in Manila

Monogram has opened a new exchange in the Philippines, located at Manila and known as Monogram Film Exchange, Inc., with W. H. Brown as branch manager.

Eddy's Acting Is Better, Says Dad

Providence, Jan. 3.—Nelson Eddy "used to be pretty stiff as an actor" but "he's getting better all the time."

This verdict came from a critic doubly interested in Nelson's career. William D. Eddy, father of the star and a resident of Pawtucket, R. I., caught the opening of "Sweethearts" at Loew's State, with Mrs. Eddy and Nelson's step-sister, Virginia, and gave his opinion to manager Eddie McBride.

Contest Entries Below Estimate

(*Continued from page* 1)

come in, with the Monday and Tuesday mail accounting for the big majority. The contest organization believes that the mail will be comparatively heavy the rest of this week.

While contestants have had four months in which to send in their answers, it is apparent that a great many have waited until the deadline. Entries have to be postmarked not later than last Saturday midnight to be eligible. It is expected that mail from distant points will be coming in for several days.

A total of 31,000,000 Movie Quiz booklets were distributed in the United States and Canada by about 9,300 theatres, including 2,300 affiliated circuit houses. Campaign headquarters believes that about 15,000,000 patrons received booklets at the theatres. It is estimated that each patron obtained an average of two booklets, one intended to be used as a "work sheet."

Returns parallel population concentration with New York State first and other leading states in this order: Pennsylvania, California, Ohio, Illinois, Massachusetts, New Jersey, Texas and Michigan. Canada placed about eighth in the number of answers, in relation to the states. The contest office estimated that the returns from Canada would be about five per cent of the total.

A number of entries from Canada were in French, and contestants wrote their answers in a variety of other languages, including Yiddish, Swedish, Polish and German. These will be translated. More than 3,000 entries came in by special delivery on Monday.

Campaign headquarters hope to start final judging about Jan. 15 for the total of 5,404 individual cash prizes. The plan is to have theatres announce the contest winners simultaneously on a given date, with local winners presented their prizes at designated theatres.

New Shirley Temple Title

HOLLYWOOD, Jan. 3. — Title of Shirley Temple's picture to follow "The Little Princess" has been changed from "Susannah of the Mounties" to "Susannah."

Republic Wardrobe Head

HOLLYWOOD, Jan. 3.—Irene Saltern having resigned, Adele Palmer, who formerly worked at Selznick International, today was appointed wardrobe department head at Republic.

UA Wins Tax Case In Supreme Court

(*Continued from page* 1)

neither exchange nor permanent representative in West Virginia.

The appeal rejected was that of General Talking Pictures Corp., for a second review of the case in which it was twice found guilty of patent infringement in use of amplifiers and tubes limited by license notice to radio reception in assembly of talking picture equipment for theatres. The suit, in which the Supreme Court rendered a first decision last spring and a second consistent decision a few weeks ago, threatens to become a cause celebre, to be seized upon by the department of Justice and the Administration monopoly investigating committee as an example of monopolistic application of patents.

Preparing to hear arguments after a two-week recess, the court today scheduled the Texas anti-trust suits for hearing. The case, brought by the Government against major distributors and Interstate Circuit, Inc., and Texas Consolidated Theatres, Inc., was brought to Washington originally last January and, after argument, was returned to the Texas District Court with instructions to render a ruling and findings in accordance with formal procedure. The suit revolves around license agreements which the Government charges violated the Sherman Act, in which are incorporated provisions prohibiting second and subsequent run houses from double billing and requiring minimum admission of 25 cents when showing pictures originally shown first run by circuits at 40 cents or more.

WASHINGTON, Jan. 3.—Ascap's appeal from the Federal statutory court ruling dismissing the society's attack on an anti-Ascap law enacted by the State of Washington was filed in the U. S. Supreme Court today. Appeal, together with that involving a Florida anti-Ascap law, is scheduled for argument Jan. 9.

The Washington appeal will have a direct bearing on the status of Montana's anti-Ascap law, which was patterned after Washington's and, likewise, was dismissed by the Federal statutory court which held that Ascap had failed to show that the minimum financial consideration was involved necessary for the Federal court to accept jurisdiction.

Simon Will Address Kinematograph Unit

LONDON, Jan. 3.—Sir John Simon, British foreign secretary, will be the guest of honor at the dinner of the British Kinematograph Society on Feb. 3.

Michalove Returns

Dan Michalove, assistant to S. R. Kent, president of 20th Century-Fox, returned to his office yesterday from Australia, where he surveyed Hoyts theatres for the company. He was accompanied by Irving Barry, assistant to Spyros Skouras, head of National Theatres. They were gone more than four months.

UA Board Meet Routine

United Artists board of directors met yesterday. Routine matters only were discussed at the session, company officials said after the meeting.

Order Easing Claims Filing Is Expected to Speed Up RKO Plan

A speedy consummation of the RKO reorganization plan following its formal approval by the court was made possible yesterday when Federal Judge William Bondy signed an order which relieves RKO creditors, stockholders and debenture holders of the necessity of filing physical evidence of their claims against the company in order to give their consent to the reorganization plan.

The order also dispenses with the necessity of stockholders filing claims against RKO in order to participate in any of its proceedings.

RKO creditor principals expect Judge Bondy to make known final recommendations for changes in the reorganization plan today. The proposed changes undoubtedly will be ratified at tomorrow's hearing, at which time Judge Bondy is expected to confirm the plan as amended.

Under the provisions of yesterday's modified order, holders of registered obligations of RKO may present a certificate of the custodian of the registry book, and holders of non-registered obligations may present a certificate of the Irving Trust Co., as trustee of RKO.

Judge Bondy also signed an order yesterday permitting H. Cassell & Co. to file a claim of $217,000 against RKO as holder of ten-year 6 per cent gold debenture bonds. According to Cassell's petition, this order was required to overcome a "technical objection" advanced against its position as claimant.

Ticket Code Case to Be Argued Tomorrow

Application for a temporary injunction pending trial to restrain enforcement of the theatre ticket code which is designed to prevent excessive advances by ticket brokers will be argued in the N. Y. Supreme Court tomorrow. The hearing was scheduled to go on yesterday but was postponed because Senator Quinn, who appears for the Acme Theatre Ticket Office, the plaintiff, was required to go to Albany for the opening of the State legislature.

A temporary stay was granted on Saturday and for several hours, it appeared that the code would not be enforced over the New Year's holiday. However, the Appellate Division vacated this stay and set it down for hearing on Friday. Justice Aaron J. Levy will hear the Supreme Court motion tomorrow, and if he decides it promptly, Friday's hearing may be eliminated.

"Primrose" Opening

"The Primrose Path," latest George Abbott production, will reach Broadway tonight at the Biltmore. This will bring total of legitimate stage plays up to 26, with two more set to open tomorrow. Four of last week's openings, "Window Shopping," "Michael Drops In," "Bright Rebel" and "Policy Kings" dropped from sight Saturday.

'Patrol' Hits $21,000 for Frisco's Lead

SAN FRANCISCO, Jan. 3.—Double bill of "Dawn Patrol" and "Up the River" drew $21,000 at the Fox, with Christmas week grosses climbing above average.

Outstanding receipts also were reported by the Golden Gate, where "Little Tough Guys in Society" drew $18,000, and the United Artists, which pulled $11,000 in the opening week of "The Young in Heart."

Estimated takings for the week ending Dec. 27-31:

"Little Tough Guys in Society" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $18,000. (Average, $16,000)
"The Young in Heart" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $11,000. (Average, $7,000)
"You Can't Take It With You" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days, 6th week. Gross: $7,800. (Average, $8,500)
"Dawn Patrol" (W.B.)
"Up the River" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $21,000. (Average, $17,000)
"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $5,000. (Average, $7,000)
"Thanks for Everything" (20th-Fox)
"Nancy Drew, Detective" (W.B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $8,000. (Average, $13,000)
"Artists and Models Abroad" (Para.)
"Sons of the Legion" (Para.)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $11,500. (Average, $13,000)
"The Thirty-Nine Steps" (G.B.)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $900. (Average, $1,300)
"Pagliacci" (G.B.)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $950. (Average, $1,300)

Krupa Band Gives 'New York' $8,200 In Dull K. C. Week

KANSAS CITY, Jan. 3.—Gene Krupa and his band paired with "While New York Sleeps" at the Fox Tower made the best comparative showing, $8,200.

"The Cowboy and the Lady" and "A Christmas Carol" gave Loew's Midland $11,400.

Estimated takings for the week ending Dec. 27-30:

"Thanks for Everything" (20th-Fox)
ESQUIRE—(800) (25c-40c) 5 days, 2nd week. Gross: $1,200. (Average, 5 days, $2,200)
"Thanks for Everything" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 5 days, 2nd week. Gross: $1,700. (Average, 5 days, $3,000)
"The Cowboy and the Lady" (U.A.)
"A Christmas Carol" (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $11,400. (Average, $11,500)
"Hard to Get" (W.B.)
NEWMAN—(1,900) (25c-35c-55c) 7 days. Stage: Ben Blue, Cass Daley, Texas Rangers, Rutans Dogs, Robbins Bros. & Marjie, Bob Oakley. Gross: $8,500. (Average, combination bill, $8,000)
"While New York Sleeps" (20th-Fox)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Gene Krupa & His Orchestra with Irene Day, Leo Watson; also, Helen & Bob Williams, Edna Sedgwick. Gross: $8,200. (Average, $7,000)
"Heart of the North" (W. B.)
ORPHEUM — (1,500) (25c-40c) 7 days. Gross: $3,600. (Average, $5,000)

Out Hollywood Way

HOLLYWOOD, Jan. 3.—DARRYL F. ZANUCK is preparing three big pictures to start work in January. LYNN BARI and CESAR ROMERO were assigned to support WARNER BAXTER in "The Return of the Cisco Kid," a sequel to "The Cisco Kid" of some years ago, in which BAXTER starred. HERBERT I. LEEDS will direct. BOBS WATSON, GENE LOCKHART and SPRING BYINGTON get roles in "Alexander Graham Bell," story of the life of the telephone inventor which IRVING CUMMINGS will direct. DOUGLAS FOWLEY assigned to "Rose of Washington Square," which ROY DEL RUTH will direct.

✚

SAMUEL GOLDWYN is preparing a story from an idea by REEVES ESPY concerning the fight of the American Medical Association against socialized medicine, with WALTER BRENNAN and JOEL MCCREA pencilled in for the leads. However, he will not be first to the screen with the idea, for Republic has already completed a script, "Doctors Don't Tell," to be produced by SOL C. SIEGEL as an "Anniversary Special." It is based on a *Liberty Magazine* series of articles . . . Other Goldwyn activities are the assigning of ANDREA LEEDS, now recuperating from a broken ankle, to the lead of the JASCHA HEIFETZ picture, and JON HALL to "Sun Valley." The latter will be a picture about the famed Idaho winter sports event, and a technical crew leaves shortly for the spot to shoot background sequences . . . JOE LAURIE, JR., has been signed by M-G-M as a writer and actor. LOU IRWIN set the deal.

✚

Republic's big picture of the year, "Wagons Westward," concerning the life of SAM HOUSTON, starts Jan. 5, with the cast principals set as RICHARD DIX, GAIL PATRICK, EDWARD ELLIS, GEORGE HAYES and GUINN WILLIAMS. GEORGE NICHOLLS, JR., will direct . . . As his first story purchase since becoming Grand National-Educational production head, JACK SKIRBALL bought "Drive-in Girls," original story by EVELYN EDWARDS and FAY MITCHELL, readers at RKO. LAURA WILCK set the deal . . . ALAN LANE draws the lead opposite SALLY EILERS in "They Made Her a Spy," at RKO.

✚

Warners is planning to re-unite the principals of "Dawn Patrol" in a new film, "The Single Lady," in which ANN SHERIDAN will be given her first starring role. ERROL FLYNN, BASIL RATHBONE and DONALD CRISP will head the cast, and negotiations are under way to borrow DAVID NIVEN from SAMUEL GOLDWYN. WILLIAM DIETERLE will direct . . . The same studio is planning a sequel to its "Four Daughters," the follow-up being titled "Four Wives." Set are PRISCILLA, ROSEMARY and LOLA LANE, GALE PAGE, JEFFREY LYNN, DICK FORAN and FRANK MCHUGH. LEONORE COFFEE will do the screenplay.

✚

Universal has borrowed FREDDIE BARTHOLOMEW from M-G-M for a top role in "The Spirit of Culver," which will star JACKIE COOPER.

Providence Gives 'Rat' Dual $9,000

PROVIDENCE, Jan. 3. — Christmas week leaders here were "Brother Rat" and "Nancy Drew, Detective," paired at the Majestic, and the Loew's State dual, "The Cowboy and the Lady" and "A Christmas Carol."

Estimated takings for the week ending Dec. 29-31:

"The Cowboy and the Lady" (U. A.)
"A Christmas Carol" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: 11,600. (Average, $10,000)
"Brother Rat" (W. B.)
"Nancy Drew, Detective" (W. B.
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $6,500)
"Artists and Models Abroad" (Para.)
"In Old Mexico" (Para.)
STRAND—(2,100) (25c-30c-50c) 7 days. Gross: $8,000. (Average, $8.000)
"There's That Woman Again" (Col.)
"Peck's Bad Boy at the Circus" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $6,000)
"Freshman Year" (Univ.)
Major Bowes' Revue (stage)
FAY'S—(1,800) (25c-30c-40c) 7 days. Gross: $6,500. (Average, $7,000)
"Barefoot Boy" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Cocoanut Grove Revue (vaudeville). Gross: $4,000. (Average, $3,000)
"There Goes My Heart" (U. A.)
"Smashing the Spy Ring" (Col.)
CARLTON—(1,536) (25c-35c-50c) 7 days. Gross: $1.500 (Average, $4,000)

2 Show Foreign Films

Two former legitimate stage houses have been renamed and opened with first run foreign film policies. The 48th St., formerly the Caruso, now operated by Gerard Rauglas, will show Scandinavian films. Cinema 49, formerly the 49th St., has been taken by William Walsh for French films.

'Kentucky' $9,000 Leads in New Haven

NEW HAVEN, Jan. 3.—"Kentucky" and "A Christmas Carol" at the Loew-Poli took a strong $9,000. The bill moved to the College for another week.

The Paramount, with "Artists and Models Abroad" and "Tom Sawyer, Detective," grossed $4,900.

Estimated takings for the week ending Dec. 30:

"A Man to Remember" (RKO)
"The Lady Objects" (Col.)
COLLEGE — (1,499) (25c-35c) 7 days. Gross: $1,400. (Average, $2,500)
"Kentucky" (20th-Fox)
"A Christmas Carol" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,000. (Average, $8.000)
"Artists and Models Abroad" (Para.)
"Tom Sawyer, Detective" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $4,900. (Average, $4,400)
"Heart of the North" (W.B.)
"Little Tough Guys in Society" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $4,000. (Average, $4,700)

Ross Federal Meeting

Ross Federal is holding a meeting in Miami this week of executive district managers and home office officials. Harry A. Ross, president, and C. B. Ross are attending, with Densmore A. Ross presiding. District heads present are Walter I. Brown, midwest; Harold Lund, mideast, and W. O. Anderson, southern.

Freed to Make "Babes"

HOLLYWOOD, Jan. 3.—First production of Arthur Freed, made an M-G-M associate producer, will be "Babes in Arms."

'Sweethearts' Big $21,000 Philadelphia

PHILADELPHIA, Jan. 3.—Christmas Week business was strong. A big $21,000 was scored by "Sweethearts" at the Boyd.

The Ritz Brothers brought $26,500 to the Earle in their personal appearance week. The film was "Swing, Sister, Swing." "Dawn Patrol" started strongly with $19,000 at the Stanley and also holds a second week. Ending its Aldine engagement, "Trade Winds" got $12,000 for its last nine days, a strong windup.

Estimated takings for the week ending Dec. 31:

"Trade Winds" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 9 days, 2nd week. Gross: $12,000. (Average, 7 days, $8,160)
"If I Were King" (Para.)
ARCADIA—(600) (25c-40c-55c) 7 days, 2nd week. Gross: $2,800. (Average, $2,800)
"Sweethearts" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $21,000. (Average, $14,000)
"Swing Sister" (Univ.)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Ritz Brothers. Gross: $26,500. (Average, $14,000)
"Thanks for Everything" (20th-Fox)
FOX—(3,000) (40c-55c-65c) 7 days. Gross: $15,000. (Average, $14,000)
"Christmas Carol" (M-G-M)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $4,000)
"Out West with the Hardys" (M-G-M)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $4,000)
"Dawn Patrol" (W.B.)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $18,500. (Average, $14,000)
"Spy Ring" (Col.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $7,000)

'Artists' on Dual With 'Farm' Grabs $7,800 in Seattle

SEATTLE, Jan. 3.—"Artists and Models Abroad" and "Down on the Farm" led the town with $7,800 at the Paramount in a week of mild and rainy weather.

Second best bill was "There Goes My Heart" and "Crime Takes a Holiday" at the Liberty, with $6,400. No other house bettered average.

Estimated takings for the week ending Dec. 30:

"Flirting With Fate" (M-G-M)
"Up the River" (20th-Fox)
BLUE MOUSE—(950) (30c-40c-55c) 7 days. Gross: $3,700. (Average, $4,000)
"Out West with the Hardys" (M-G-M)
"A Christmas Carol" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days, 2nd week. Gross: $6,900. (Average, $7,000)
"There Goes My Heart" (U. A.)
"Crime Takes a Holiday" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $6,400. (Average, $5,000)
"The Cowboy and the Lady" (U. A.)
"Torchy Gets Her Man" (W. B.)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,200. (Average, $4,000)
"Heart of the North" (W. B.)
"Peck's Bad Boy at the Circus" (RKO)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,100. (Average, $6,000)
"Juvenile Court" (Col.)
"Accidents Will Happen" (W. B.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Senator Fishface. Gross: $4,750. (Average, $5,000)
"Artists and Models Abroad" (Para.)
"Down on the Farm" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,800. (Average, $6,000)

HIT! SMASH! BRAVO! HOORAY! TOP!!



ALFRED HITCHCOCK'S TERRIFIC SOCKO

The LADY VANISHES

★ ★ ★ ★

"It is certainly the best in town." —N.Y. DAILY NEWS

with Margaret LOCKWOOD · Michael REDGRAVE

"The best picture any Broadway theatre has shown in many seasons."
—*N. Y. DAILY MIRROR*

"Tops even the memorable '39 Steps'. . . On the film-goer's list of musts."
—*N. Y. JOURNAL-AMERICAN*

"As enjoyable a mystery thriller as you're likely to see on any screen."
—*N. Y. SUN*

A GB *Production*

A 20th CENTURY-FOX RELEASE

"The spectator is held in tense suspense...Some of the situations are so thrilling that they send chills down one's spine . . . The pace is fast and the action thrilling."
—*HARRISON'S REPORTS*

"Suspense-laden entertainment . . . The exhibitor need not hesitate to sell the film to his audiences on the basis of good, fast moving entertainment...Sure to draw spontaneous audience reaction."—*M. P. DAILY*

GREATEST HIT!

TOP! SMASH! HOORAY! BRAVO!



"The best . . . seen this year. 'The Lady Vanishes' is hereby recommended to everyone . . . Miraculously wrought." —NEW YORK POST

VANISHES

aul LUKAS · Dame May WHITTY · Directed by ALFRED HITCHCOCK

rop whatever you are doing . . Hot-foot it up to see the riller of the year."
—N. Y. WORLD-TELEGRAM

"Exciting . . . Powerful . . . Superb . . . Magnificent . . . Recommended with absolutely no qualifications." —N. Y. HERALD-TRIBUNE

"Did we say 'The Lady Vanishes' was challenging the best ten? Let's amend it: the bid has been accepted." —N. Y. TIMES

litchcock piles one thrill-ng sequence on another . . Probably the most en-ertaining melodrama of is career." —NEWSWEEK

"Probably Alfred Hitchcock's best thriller. It has that indefinable something that assures indisputable superiority in the mystery drama field." —BOXOFFICE

"Superb spy drama . . . sets a new standard . . . Something amazingly new in screen entertainment and enormously exciting."
—FILM DAILY

Academy Ignores Playwright Unit

Los Angeles, Jan. 3.—Screen Playwrights was ignored when letters were sent out this week inviting participation in the annual awards of the Academy of Motion Picture Arts and Sciences. Invitations went to the Screen Writers, Screen Actors and Directors' Guilds. The Playwrights did not take part last year because of pressure on the Academy by the guilds.

Frank Capra, president of the Academy as well as the Screen Directors' Guild, asked the three guilds which will participate to name representatives on the awards committee. There will be three members from each guild, three from the Technicians' Branch of the Academy, three from producers and three from the Academy proper.

Birdwell to Leave Selznick on Feb. 1

Hollywood, Jan. 13.—Russell Birdwell has resigned as head of the publicity, advertising and exploitation department for Selznick International, effective Feb. 1.

With Selznick since the organization of the company three years ago, Birdwell plans to head a publicity and public relations company to operate internationally. He will open offices in Beverly Hills, Washington and New York. David O. Selznick expressed regret at the resignation of Birdwell.

Fairbanks and Asher To Arrive Tomorrow

Douglas Fairbanks, Sr., arrives tomorrow on the *Washington* to start operations of his new producing organization, Fairbanks International.

Irving Asher, associate producer of London Films, is arriving for conferences with Columbia on an extension of his production contract. He may go to Hollywood to confer with Alexander Korda.

Chicago Depositions Postponed to Jan. 13

Chicago, Jan. 3.—Taking of depositions in the action of Chicago independents against Balaban & Katz and major companies has been postponed until Jan. 13.

Subpoenas were served today on independent theatre operators by defense attorneys who plan to question them during the month. Joseph Rosenberg, counsel for the independents, is in New York.

Johnston in Coast Parley

W. Ray Johnston, president of Monogram Pictures, flew to the coast over the weekend to confer with Scott R. Dunlap, vice-president in charge of production, about production plans for the 1939-1940 season. Johnston intends to remain at the studios for about five weeks.

West Joins Monogram

Harry West has joined Monogram Pictures at the Cincinnati office as assistant to William Onie, exchange manager. West is now in Chicago and will take up his duties in Cincinnati early next month.

Hollywood Previews

"Zaza"

(Paramount)

Hollywood, Jan. 3.—The 1938 model of "Zaza" is a more beautiful film and less passionate picture than the earlier picturizations of the play by Pierre Berton and Charles Simon. It looks like a first-rate attraction with a strong feminine appeal. Claudette Colbert is quite the most exquisitely streamlined of the several ladies who have played the name role. She gives a brilliant performance. Showmen should be most loquacious about her in their selling of the picture. Herbert Marshall, Bert Lahr, Helen Westley, Constance Collier, Walter Catlett and Genevieve Tobin are other names available for billing purposes. It might also be mentioned, in the publicity disseminated by exhibitors handling the subject that George Cukor, who directed "Zaza," is the man who will direct "Gone With the Wind," and that the film is an Albert Lewin production from a screenplay by Zoe Akins.

The story is what the old one was, up to a point. It will be recalled that it's about an actress who fell in love with a married man, gave up acting to devote her whole talent to a passionate enjoyment of that condition, returning to her first art on discovery that her lover had a family and finding herself a finer and more famous actress thereafter. In this filming of the play the passionate interlude is somewhat less torrid, although it sizzles some in spots. The whole treatment is sensibly handled and escapes many censorable banalities.

It may be well to inform showmen, here, that the can-can dancing referred to in early publicity for the film, and widely dealt with in the picture papers, is not in the picture now.

Running time, 90 mins. "A."* Roscoe Williams.

**"A" denates adult classification.*

"Stand Up and Fight"

(M-G-M)

Hollywood, Jan. 3.—Once the first reel or so has been completed, "Stand Up and Fight" becomes a robust and rugged outdoor action picture. Love, in the best cinematic traditions of the Old South, is the subject of the opening sequences. Love has a part in all that follows, but fights featuring two wild brawls between Wallace Beery and Robert Taylor, and Taylor's vigorous struggle to keep Florence Rice's stage line out of trouble into which Beery is leading it, make for rigorious thrill action.

Southern gentleman Taylor auctions off his plantation after falling in love with Miss Rice, and goes west. Soon he is in conflict with Beery, actually becoming a convict laborer. Suspecting that Beery is in league with Charles Bickford and Barton MacLane in running slaves, Taylor establishes his suspicion when he aids his old slave, Clinton Rosemond, to escape. But when the latter is found dying, Taylor goes after Beery, Bickford and MacLane. Beery confesses his part in the underground work. Meanwhile the railroad has been wrecking the freight line's legitimate business. But when Taylor goes further west to become a railroad traffic manager, Miss Rice goes with him.

James M. Cain, Jane Murfin and Harvey Fergusson did the screenplay from a story by Forbes Parkhill. W. S. Van Dyke directed.

Running time, 90 minutes. "G."* G. McC.

**"G" denotes general classification.*

The Newsreel Parade

Nation's welcome to 1939 *is the chief subject covered in the new issues of the newsreels, out yesterday. Frank Murphy being sworn into office of Attorney General and various skating and skiing sequences are included. The reels and their contents follow:*

MOVIETONE NEWS, No. 33—Nation hails 1939. Murphy sworn in. Lew Lehr. Flight over Mt. Hauhuascaron. Skating championships. Skiing display in the French Alps. Mardi Gras in Philadelphia.

NEWS OF THE DAY, No. 231—Times Square celebrates New Year. Parade in Philadelphia. Stork busy as year ends. Cold spell in Paris. Murphy is new Attorney General. Review of sport champions during the past year.

PARAMOUNT NEWS, No. 44—Experts in the field of sports discuss the major events of 1938. Swimming, baseball, golf, basketball, football, tennis, track, horse racing and auto racing are commented upon by an authority of each.

RKO PATHE NEWS, No. 48—New York and Chicago welcome New Year. Ice-bound workers rescued. Murphy takes oath of office. Skimobiles in New Hampshire. Tugboat cinderella meets society. Anna Neagle at World's Fair. Ice skating meet in Chicago. Santa Anita racetrack opens.

UNIVERSAL NEWSREEL, No. 733—Nation hails New Year. Parade in Philadelphia. Polar Bear club in Chicago. Stratoliner in Washington. Tugboats rescue ice-bound men. Train wreck in Virginia. Skating in Newburgh. Wrestling matches in Miami Beach. Santa Anita opens. White Russians in Paris.

TheatreChanges

PLAN 7 MEXICO HOUSES

Mexico City, Jan. 3.—Work b begun on four of the six film theat planned by W. O. Jenkins with Me can exhibitors. In the state of V Cruz three are under way, a 4,0 seat house costing $130,000 at the p of Vera Cruz; Cine Jardin, a 3,0 seater costing $90,000 at Jalapa, capi of Vera Cruz, and the 4,000-s Ci Deal at Orizaba. They are to b op ed July 1. Fourth under way is 5,000-seat Cine Reforma at Puel City. It will open in the fall. 5,000-seat house will be built at Gu dalajara. Site for the sixth is bei selected. Espinoza Bros. are buildi a house to seat 4,000 in Puebla C to be opened in the late summer.

MORRIS TO SCHNEIDER

Lou Schneider, owner of the Sta ley, has acquired the old Mt. Mor on 5th Ave. Schneider was forme head of the M. and S. circuit.

LEASE HAWTHORNE HOUSE

Rapf and Ruden circuit, owner a heretofore operator of the Hawtho in Hawthorne, N. J., has leased house to Harry L. Newman. T transaction is effective Jan. 1.

DAVIS SELLS INTEREST

New Haven, Jan. 3.—Joseph Davis, formerly associated with M. Schuman in the Colonial, Sou ington, and the Black Rock, Brid port, has sold his half-interest in latter house to Schuman, and pla to re-enter the distribution field.

OPEN DES MOINES HOUSE

Des Moines, Jan. 3. —New 6 seat theatre, the Varsity, has be opened by Elias Garbett and s Elias, Jr. This is the third thea the Garbetts have built here in th years.

BUILDING IN OHIO

Lorain, O., Jan. 3.—Nazera Zig has started work on a new 800-s theatre here, which she hopes to ha completed in the early spring. M Zigiob at present owns and opera the Dreamland and Elvira here.

Labor News

GREER HEADS UNION

Columbus, Jan. 3.—R. W. Gre has been elected president of the lo projectionists' union. Other office are: W. F. Jones, vice-president; W. Wright, secretary-treasurer; R. Stewart, financial secretary; F. Hess, recording secretary; R. Stoneburner, business representati All will serve for two years.

PICKETING ENJOINED

Vancouver, B. C., Jan. 3.—Pr jectionists' Union Local No. 348 prevented permanently by injunctio from picketing or otherwise interfe ing with the business of Hollywo Theatre, Ltd., here, in a decision Supreme Court Justice D. A. M Donald. Damages of $2,000 also we allowed the Hollywood Theatre, Lt against Vancouver, New Westminst & District Trades and Labor Counc and the B. C. projectionists' union f picketing the plaintiff's theatre la May.

Radio Personals

HERBERT R. EBENSTEIN, president of Radio Attractions, left yesterday for a six-day trip ring Pittsburgh, Cincinnati, De-t, Cleveland and Columbus, for erences with station owners in (O) ties concerning the presenta- of his company's "Fu Manchu" es. . . . Jimmy Dorsey's orches- will be heard over Mutual from New Yorker beginning Jan. 10. . . . n Slater, WOR-Mutual announcer, he father of a boy. . . Bruce Wen-, Canadian vocalist, will be heard n Merle Pitt's WNEW orchestra dnesdays and Fridays. . . . Felix ght will make his eighth guest ap-rance on the RCA "Magic Key" day. . . . "Gang Busters" will be on air three years Jan. 11.

+

he Andrew Sisters have been ed to work in the new Phil Baker es, which starts Jan. 14. . . . The g "That's How Dreams Should ," from the Paramount picture . one-third of a nation . . ." will introduced on the air next Sunday the Guy Lombardo program. . . . and Young will do scenes from the ure "Topper Takes A Trip" when appears as the guest on the Kraft sic Hall tomorrow. . . . The ma-ty of the Compton agency officers back from Cincinnati where they ended Procter & Gamble's regular ual sales meeting over the holidays.

Musette Starting New Series on WOR, WGN

Musette Piano Co. will assay radio the first time with a new series piano recitations on WOR, New rk, and WGN, Chicago, of the Mu-l network. Louise Wilcher is to be pianist.

The series starts today on WOR m 5:45 to 6 P. M., and WGN will added on Jan. 10. Sam C. Croot Co. is the agency.

Baird Television to Report This Month

LONDON, Jan. 3.—Baird Television ard of directors, in an annual meet-here voted that the business re-rt of the company be deferred nding the completion of new financ-measures. The full statement of ird's operations will be made avail-le some time this month.

Bill Would Regulate Radio Endorsements

WASHINGTON, Jan. 3.—A bill to re-ire broadcasting stations and spon-s to submit statements that all per-nal endorsements of articles over radio are paid for, was introduced the House today at the opening ssion by Representative Paul H. aloney of Louisiana.

Roxy Clothing on WNEW

Roxy Clothing Stores have signed r a year's participation in the "Make elieve Ballroom" on WNEW. The ntract was placed direct. Another NEW contract just placed through e Joseph Katz Co. is for the Ex-ax Co., 10 spot announcements a eek, for 24 weeks.

NBC Billings for 1938 Set Record With $41,462,679

NBC closed its books for 1938 with all-time record time billings of $41,-462,679, while CBS, with time billings of $27,345,397, was off by 4.8 per cent compared to the 1937 total. Mutual's year-end figures are not yet available, but that network is already assured of a record-breaking year based on its 11-month total.

NBC's December billings helped boost its revenue to the record figure. The December total was $3,887,072. The Red network accounted for $2,-928,181, and the Blue for $958,891, for the month.

NBC's 12-month total for the year is up 7.3 per cent over the 1937 total of $38,651,286.

Columbia's December, 1938, billings amounted to $2,529,060, compared to the December, 1937, billings of $2,-786,618. The comparison shows a loss of 9.2 per cent. The network's complete revenue for the year, $27,345,397, shows a loss of 4.8 per cent compared to the yearly revenue for 1937, which amounted to $28,722,118.

First Television Permit Is Asked

WASHINGTON, Jan. 3.—*Milwaukee Journal's* application for permission to inaugurate the nation's first television service for the public, was today referred by the Federal Communications Commission to a special committee composed of Commissioners Craven, Brown and Case for consideration. The newspaper's application is the first proposal for establishment of experimental program service for home television reception, as distinguished from technical experimentation to which all licenses so far granted have been confined.

At the same time, the F.C.C. referred to the same committee the proposals for television transmission standards offered recently by the Radio Manufacturers' Association.

Rollini Trio Signed By American Chicle

American Chicle Co. has signed the Adrian Rollini Trio for a new series of programs to be broadcast over WJZ beginning Jan. 19. The program, for 13 weeks, will be heard Thursdays from 7:30 to 8 P.M. Badger, Browning & Hersey is the agency.

In addition to the new contract, two renewals were effected at NBC yesterday. Esso News Reports, broadcast daily, were extended for 13 weeks through Marschalk & Pratt; and Procter & Gamble renewed "Central City," a dramatic series, heard on the Basic Red network with WSAI, WSYR, WHAM, and WOOD. The extension, through Blackett-Sample-Hummert, is for 26 weeks.

Hold Rites for Doyle

COLUMBUS, Jan. 3.—Funeral services were held here yesterday for J. Howard Doyle, 29, announcer in the New York studios of WOR, who died from injuries sustained when his auto skidded near Chambersburg, Pa. He was returning to New York after spending Christmas here.

US Radio Superior To Australian Air

San Francisco, Jan. 3.—American radio programs are "far superior" to the Australian brand, according to Erica Blamires, radio lecturer of New Zealand, who arrived here on a six-month tour to study American radio methods for New Zealand and Australian newspapers. Her studies will be concentrated in Hollywood and New York.

F.C.C. to Resume Radio Probe Today

WASHINGTON, Jan. 3.—Federal Communications Commission tomorrow will resume its monopoly hearings, hoping to complete examination of NBC officials this week.

Scheduled to testify first is Mark Woods, NBC treasurer, who will be followed by President Lenox Lohr.

Although admitting they did not know whether NBC planned to introduce any additional witnesses, F. C. C. officials tonight expressed hope that they would complete their study of that company by the end of the week, so that a start may be made next Tuesday on CBS, which is next to be brought up for scrutiny.

Study of CBS, it was said, will require less time than has been spent on NBC, which has been in the limelight constantly since Nov. 14, but no member of the commission would venture a prediction as to how long will be required to survey the system's methods, policies and operations.

Philip Morris Takes News Show on KFRC

SAN FRANCISCO, Jan. 3.—Philip Morris & Co. is sponsoring John B. Hughes' news program twice a week over KFRC, and three other northern California outlets, for Paul Jones Cigarettes. Deal is for six months, was set by the Biow Co. of New York. KFRC will relay the programs Monday and Thursday nights to KDON, Monterey; KQW, San Jose, and KIEM, Eureka.

"Manchu" on 40 Stations

Approximately 40 stations will feature Radio Attractions "Fu Manchu" series during January. The program will be broadcast three times weekly. Among the stations recently set for "Fu Manchu" opening this month are WRC, Washington; WFBR Baltimore; WFBL, Syracuse; WNAC, Boston; WEAN, Providence; WICC, Bridgeport.

Crosley Takes Fair Site

CINCINNATI, Jan. 3.—Crosley Corp., operating WLW, WSAI and W8XAL, has leased three-quarters of an acre at the New York World's Fair for an exhibit and broadcasting studio to be housed in a modern building with extensive use of glass. The studio will be used to broadcast interviews with celebrities visiting the fair.

Banner LINES

Transradio's selections of the 10 women who made news during 1938 gives a whitewash to radio's women, and nominates but one from film ranks. That one is Greta Garbo, whose nomination is for a "marriageless romance which kept the world guessing."

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The New Haven Register *has steadfastly snubbed any but national radio news and advertising, but WBRY crashed the* Register *with a quarter-page ad on its affiliation with CBS as the only outlet of that network between New York and Hartford.*

▼

Here's a new wrinkle in surveys. The owners of 5,850 cars don't know it, but on Dec. 20 researchers from the Hooper-Holmes Bureau peered at their silent auto radios to see where the kilocycle needle had been left at the time the switches were turned off. The cars looked at were parked in paid space in parking lots and garages in Manhattan, Brooklyn, Queens, Bronx, Westchester, and Newark. The researchers learned that 35 per cent more were set at WOR than the next most popular station. Forty per cent of the 5,580 peered at were equipped with auto radios, which is twice the estimated national average.

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Note to Larry Nixon: Hey, the name's Jack, not Edgar!

▼

Bob Anderson, the radio "ham" who recently won the William S. Paley Amateur Award, is making fast progress since joining the CBS engineering staff. Beginning Sunday he replaces engineer Charles Kleinman at the dial of the New York Philharmonic concerts. Kleinman goes to WBBM, Chicago, as a studio engineer.

▼

Claire Trevor and husband Clark Andrews, who produces her radio series, left Hollywood by plane last night immediately following the broadcast, and will arrive in New York today. Edward G. Robinson, star of the series, is coming in via the Century, and will arrive Saturday morning, for several weeks of broadcasting from New York.

—JACK BANNER.

Film Players Busy on Radio Week of Jan. 8

Screen players will be at their busiest in radio as guest performers from Jan. 8 to Jan. 12. Miriam Hopkins will be in the preview of the new RKO "Gateway to Hollywood" series and Joan Crawford and Judy Garland will participate in the opening broadcast of the Screen Actors' Guild series on the 8th; the following night Janet Gaynor will be heard in "Mayerling" in the Lux show; and on the 12th, Lily Pons will guest appear in her husband's inaugural, "Tune Up Time."

Andorn in WGAR Post

CLEVELAND, Jan. 3.—Sidney Andorn has become special events director of WGAR. Andorn, who formerly conducted a night club and backstage column for the *Cleveland Press*, has been associated with WGAR for four years.

"Ectoplasmatic"

IS THE NEW BOX-OFFIC
WORD FOR COLOSSAL



8:45 a. m.—fourteen hundred ticket buyers jammed the sidewalk . . fifteen minutes before doors opened at **RADIO CITY MUSIC HALL!**





2,400 tickets sold in first twenty minutes. Figure it out yourself . that's more than 100 tickets a minute!

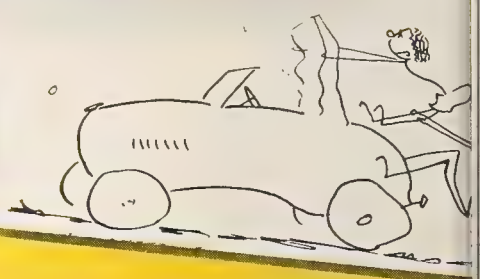
Before ten a. m. every seat in the Music Hall was taken . . standing room going fast . . and waitees filling lobby!





50 special police were kept busy all day outside theatre as standing lines, six patrons deep, reached nearly to Fifth Avenue!

Box-office closed five times during afternoon! Lobby standees all evening averaged 2,000. Sidewalk lines continued until after ten o'clock!



NET RESULT: ONE OF THE BIGGEST NON-HOLIDAY OPENINGS IN THE ENTIRE HISTORY OF RADIO CITY MUSIC HALL!



HAL ROACH presents

TOPPER TAKES A TRIP

STARRING *Constance* BENNETT • *Roland* YOUNG

BILLIE BURKE • ALAN MOWBRAY • VERREE TEASDALE

FRANKLIN PANGBORN • ALEXANDER D'ARCY • MR. ATLAS ("The Thin Man" Dog)

Directed by Norman Z. McLeod • Screenplay by Jack Jevne, Eddie Moran and Corey Ford

From the Novel by Thorne Smith • Milton H. Bren, Executive Producer • Released thru United Artists

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 3 NEW YORK, THURSDAY, JANUARY 5, 1939 TEN CENTS

RKO Plan Is Approved by Judge Bondy

Slight Modifications in Written Decision

Federal Judge William Bondy yesterday handed down a written decision in which he approved the proposed plan of reorganization of RKO with certain modifications which he outlined in his opinion. The decision stated that all parties who have heretofore consented to the proposed plan would be allowed an opportunity of withdrawing their acceptances, if they opposed the modification. If there were then sufficient acceptances filed, Judge Bondy said, he would confirm the plan, as modified.

Paragraph XI, Subdivision E of the plan, under the decision, will be modified so that while any new preferred stock remains outstanding, no funded debt in excess of $3,000,000, or any other obligations referred to in that section, can be incurred over the objection of one-third of the preferred stockholders. The plan will also be modified to provide for the issue to those debenture holders who elect to receive only preferred stock of 1.43 shares of preferred stock for each $100 in principal amount of debentures. The new preferred stock, according to the modified plan, will be entitled to a first quarterly dividend of $1.50 per share.

Contingent claimants under the proposed modifications will receive when their claims mature, either common

(*Continued on page 3*)

Threaten to Close All French Houses

PARIS, Jan. 4.—Extension of theatre closings to all of France unless relief from the new Paris theatre tax is granted within two weeks was threatened today following the closing of 300 theatres in the city at noon.

Exhibitors said that unless an agreement with municipal authorities is reached within a week the closings would be extended to suburban houses and that theatres throughout the country would be closed the following week if no agreement was reached by then.

The new city tax averages about nine per cent of gross receipts. In the case of neighborhood houses, it was estimated this would amount to about $7,800 annually.

Radio—Page 8

Mooney on Air

Tom Mooney, world famous California prisoner, is scheduled to make his first radio appearance on Jan. 10 over CBS as guest on Gabriel Heatter's "We, the People" program. His appearance is conditioned on receiving a pardon from Governor Olson before that time.

MPTOA Pact Meet Monday, Allied Follows

Meeting of the M. P. T. O. A. executive committee will be held here Monday to formulate the organization's program for final trade practice negotiations. The committee will meet the following day with Sidney R. Kent and make known whatever changes or additions to the distributors' tentative trade practice draft it believes to be desirable.

Reaction of individual M.P.T.O.A. units to the distributors' draft will be reported to the executive committee at Monday's meeting by Ed Kuykendall, president. Committee's policy for its final negotiations with Kent will be determined by the reports from the local units. Indications are that M.P.T.O.A.'s primary demand at next week's session will be for immediate distributor action in putting into effect the cancellation and score charge provisions of the trade practice program and in establishing local conciliation or arbitration boards. The distributors' tentative draft pro-

(*Continued on page 3*)

FEW FILM BILLS BEFORE CONGRESS

Unions Fight Dismissals of WPA Theatre

Representatives of thirteen unions met last night under the auspices of the Federation of Arts Unions to protest against dismissals of 1,000 WPA workers employed by the Federal Theatre Project. The meeting laid plans for a demonstration and parade to City Hall on Jan. 13 and for a continuation of a radio campaign.

Edward Everett Hale, secretary, declared that many of the dismissed actors would be unable to find employment. He stated that taxes paid by employed members of the actors' unions both here and in Hollwood were more than sufficient to support the Federal Theatre Project.

Unions represented at yesterday's meeting were Actors' Equity, American Federation of Actors, American Federation of Radio Artists, American Guild of Musical Artists, Newspaper Guild, Local 802, American Federation of Musicians, Burlesque Artists' Association, Chorus Equity, N. Y. Woodcarvers' and Modellers' Association, Screen Actors' Guild, Theatrical Managers, Agents and Treasurers Union, United American Artists, and United Scenic Artists.

Measures Not Expected To Be Considered For Some Time

WASHINGTON, Jan. 4.—A survey of more than 1,100 bills and resolutions introduced in the House yesterday upon the opening of the Congressional session shows that very few motion picture or radio measures have yet been submitted.

No consideration is expected to be given either film or radio legislation for some time to come, national defense and perfection of laws already passed, urged by President Roosevelt in his annual message today, being the first business of the session.

Block booking is prohibited in bills introduced by Representatives Edmiston, W. Va., and Culkin, N. Y., with the latter also re-submitting his bill for creation of a Federal Motion Picture Commission to supervise production. Consolidation and modernization of copyright laws is provided for in a bill reintroduced by Congressman Daly, Pa., in addition to Representative Maloney's bill requiring announcement of paid endorsements over radio. The only other broadcasting measure introduced was a bill prohibiting liquor advertising by radio, submitted by Representative Culkin.

No bills were introduced in the Senate yesterday, but Senator Neely, W. Va., will resubmit his anti-block booking bill at the first opportunity.

NO COLORADO BILLS

DENVER, Jan. 4.—No bills of special interest to the industry are looked for in the session of the Colorado legislature, which opened here today.

Ellis Here to Seek U. S. Outlet on Australia Films

Gordon Ellis, representing the Norman Bede Rydge film interests in Australia, is here with plans to seek an American outlet for Australian product. Discussions are to be held with Monogram and Republic, which distribute through British Empire Films.

The interests Ellis represents include Cinesound studio and Greater Union Theatres, as well as B.E.F., of which Ellis is the general manager. He said Great Britain has for some years returned a revenue to the Australian studios, while the United States takes out most of Australia's film revenue.

With the support of the New South Wales Government, Australian producers hope to make headway. Twelve films are scheduled for this year to meet quota requirements, which provide that 2½ per cent of the product shown in Australia come from domestic studios.

Ellis plans to leave for the coast Jan. 20 to survey Hollywood talent possibilities, pick up ideas and hire a scenarist. The new films act admittedly was designed to stimulate Australian production, he said. Exhibitors were given a 25 per cent rejection privilege on imported films.

Premier Stevens is to appoint a three-member film control commission.

Majors Reassert Position on Italy

Major distributors reasserted their determination at a meeting of the M.P.P.D.A. board yesterday to accept no compromise from Italy which would force them to deal with E.N.I.C., the Government controlled film distributing monopoly, in order to resume operations in that country.

The "solid front" stand was confirmed by the heads of all eight major companies in addition to the foreign managers who were called into the meeting.

Purely Personal

DAVID BERNSTEIN, LEOPOLD FRIEDMAN, MR. and MRS. DAVID LOEW, were at the Hunting Room at the Astor, for lunch, yesterday. Others were A-MIKE VOGEL, MORRIS KINZLER, TOM CONNORS, TED O'SHEA, MAX COHEN, ED SAUNDERS MARTIN BECK, TOM PHILLIPS, SAM LYONS and SIDNEY PHILLIPS.

•

CHRISTIE MACDONALD, for whom VICTOR HERBERT wrote the original stage version of "Sweethearts" 20 years ago, will be guest of honor at the Capitol next Monday night. She is no kin to JEANNETTE MACDONALD, the film's star.

•

JOHN W. HICKS, Paramount vice-president and foreign manager, sailed for London on the *Manhattan* last night. He will be in England and on the Continent about two months before returning to New York.

•

JAMES P. O'LOGHLIN, 20th Century-Fox Canadian district manager, returned last night to Toronto after winding up as Kent Drive leader. He leaves shortly for two weeks in Florida.

•

LACY W. KASTNER, general sales manager of United Artists Export, Ltd., returns to his post in London today aboard the *Champlain*, following a brief vacation here.

•

DOUGLAS FAIRBANKS, SR., and IRVING ASHER will arrive tomorrow instead of today. the *Washington*, on which they are passengers, docking a day late.

•

HERMAN WOBBER, 20th Century-Fox sales chief, has returned from an extended stay on the coast. So has MARC LACHMANN, exploitation manager.

•

WALTER READE of Walter Reade Theatres returns from the coast next Monday. WALTER READE, JR., leaves Jan. 19 for a 10-day vacation cruise.

•

GRACE MOORE and her husband, VALENTINE PARERA, arrive today on the *Conte di Savoia*. The singer has completed a concert tour abroad.

•

ALBERT LEWIN, Paramount producer, will arrive here tomorrow from the coast for a three-week stay before sailing for Europe.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, is expected back from a Florida vacation Monday.

•

WILLIAM BISHOP, M-G-M press representative in Chicago, is recovering at St. Lukes Hospital there after an operation.

•

E. M. SAUNDERS, M-G-M western division manager, has canceled a planned business and pleasure trip to Honolulu.

•

ED SCHNITZER, eastern district manager for Warners, will return tomorrow from New England.

Insiders' Outlook

By SAM SHAIN

HUBBARD KEAVY of the Associated Press, Hollywood, awards palm to Harry Brand for outstanding publicity stunt for 1938—the 80-minute all-star broadcast on "Alexander's Ragtime Band."

Harry Brand, last year and every year, is not without plenty of big-shot stunts to his name. But the broadcast aforementioned was set up while Harry was in England. The author and general manager was Charles E. McCarthy of Tenth Avenue, Manhattan.

▼ ▼

To those who think that Arthur Lee is in Canada presumably to go into the 16 mm. field, we refer the following telegram, from Miami Beach:

"Dear Sam: Have been connected with Gaumont for over twenty-five years and expect to carry on with them for the next twenty-five.—Arthur Lee."

▼ ▼

No group of critics, in the most golden period of the stage, probably have occupied the trade importance and prestige such as that which drapes the New York film critics. Show business the world over recognizes this. NBC shows it is mindful of this fact by undertaking its unusual international broadcast, yearly, of the N. Y. critics' film awards, a broadcast that links the old world and the new, traversing the sea and a continent.

This year, this program will take place on Sunday, parts of the broadcast to be wafted from New York, London, Hollywood and Paris.

▼

From the Rainbow Room, in Rockefeller Center, there will be heard Howard Barnes, of the *N. Y. Herald-Tribune*, and Dudley Nichols, president of the Screen Writers' Guild. Erich von Stroheim and Jean Renoir will be heard from France. The London end will be covered by Robert Donat, Ralph Richardson and Alfred Hitchcock. Then, back again to New York, for a scene from "Angels With Dirty Faces," and a word or two by Margaret Sullavan and Rosalind Russell, and to Hollywood, from where Walt Disney will make the bow-out.

It would be a splendid thing if James Cagney, winner of the best actor award, for 1938, were to be in New York for the festivities.

▼ ▼

It must be nice to sit with the President's son, in the studios of the finest theatre in the world, listening to the President's address to Congress. That's what W. G. Van Schmus, managing director of the Radio City Music Hall, did yesterday. His guests at luncheon were Col. James Roosevelt, vice-president of Samuel Goldwyn, Inc.; James Mulvey, eastern head for Goldwyn, and Lynn Farnol, advertising and publicity director of United Artists.

▼ ▼

This is anniversary time at Loew's, with a few who have served the company faithfully and long marking new milestones.

C. C. Moskowitz completes 26 years with Loew's on Jan. 20. Oscar A. Doob this week started his 10th year as advertising and publicity manager for the circuit. Other anniversaries are being marked by Fred Mitchell, booker, 34 years; Joe DiPesa, Boston publicity man, 29 years; Everett Steinbuch, manager in Cleveland, 22 years; William Crull, Jr., Nashville manager, and Robert Suits, Evansville manager, 14 years.

▼ ▼

President Franklin D. Roosevelt's message to Congress yesterday was stirring and human. He called the nation's attention to the totalitarian attack on religion, democracy and international good faith, and as he did so, he was himself an example of that free human spirit which cannot be conquered.

Totalitarian countries have done their worst to the American film industry. In the President's address there may be perceived some possibility that the Government may take measures against the unjust treatment.

▼ ▼

Memories of boyhood are being brought back at the Roxy this week with the distribution of 10,000 paper covered copies of "Jesse James the Outlaw," nickel thriller which boys of an earlier generation bootlegged into the home to be read when Mom and Pop were looking the other way. This novel giveaway is tied in just as you would suppose with the 20th Century-Fox picture, "Jesse James."

▼ ▼

Rep. Paul H. Maloney, of Louisiana, wants the public informed whenever paid endorsers are used to promote the sale of radio products on broadcasting programs. And so, he has introduced a bill to this effect in Congress. If the bill should pass, many a socialite who has been engaged in the endorsement business, may pass out.

Musicians Postpone Parley to Wednesday

Meeting of the executive board of the American Federation of Musicians with heads of major companies to discuss possible means of increasing musicians employment within the industry, which was scheduled for next Monday, has been postponed to Wednesday. No definite employment plan has been devised yet by either the Federation officials or the film executives, it was learned. Meeting next week, therefore, will be limited to a continuation of the informal discussions of the problems held by the two groups last fall.

Joseph N. Weber, Federation president, returned to New York Tuesday from a month's vacation in the southwest and agreed to the postponement of the meeting to accommodate several film executives who are or will be out of the city. Meeting will held at offices of Pat Casey, producers' labor contact.

Executive board of Musicians Federation leaves New York next Friday for its annual mid-year meeting in Miami.

Dollinger Quits As Head of N. J. Allied

Irving Dollinger has resigned as president of Allied Theatre Owners of New Jersey, because of the pressure of business. The board of directors, accepting the resignation with regret, elected George Gold of the Rivoli, Newark, former vice-president, to fill out the unexpired presidential term.

Harry Kridel of the Mayfair, Newark, was elected vice-president to fill the term of Gold, and Dollinger will replace Kridel on the board of directors.

The next meeting of the organization will be held in New York on Tuesday, with a statewide meeting scheduled for Trenton on Jan. 23.

Lewen Pizor a Benedict

Lewen Pizor, president of the U. M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, was married recently to Mae Teezick of Philadelphia. They will leave on a three- or four-week honeymoon trip to Florida about Jan. 15.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

US Production Code Reduces Censorship, Says Irish Showman

Enforcement of the Production Code in Hollywood has reduced censorship of American pictures in Ireland to bare minimum, according to Walter McNally, veteran American actor and now a distributor-showman in Ireland.

McNally operates first run houses in Ireland's eight largest cities and, as RKO's sales representative for that country, is one of his own best customers.

"My theatres get only the best pictures on the best play dates," McNally frankly observes. "The competition regards this as a natural circumstance and has never complained."

McNally, a native of Scranton, Pa., and old friend of M. E. Comerford and M. J. O'Toole, also known to Scranton, went to Ireland for his health many years ago, was married and entered the theatre business there. He returned to America to go on the stage after the World War and played the old Orpheum Circuit for many years. He was a member of the road company of "The Student Prince" which played 53 weeks at the Great Northern, Chicago, for a record

He returned to Ireland with the advent of sound as agent for Pat Casey's Synchro sound system; then became RKO's sales representative when the company decided to open its own office in Ireland. This is his first American trip in three years. He was called here by the fatal illness of his father, who died in Cleveland early this week.

McNally reported that theatre and general business in Ireland has been excellent for the past two years. Theatre building is active there despite a heavy Government amusement tax, amounting to one-third of the gross receipts of average first run houses and about 30 per cent of the gross of subsequents. Admission scales range from 11 cents to $1.00.

McNally sailed for Ireland on the *Manhattan* last night.

Hoyts Will Continue Australia Renovation

Hoyts circuit in Australia plans no expansion but will continue to renovate existing properties. There are 103 theatres in the circuit, with five pooled with National Theatres, in which Snyder-Dean are interested.

Hoyts have built five theatres in the last three years, but these were replacements. A remodeling program has been under way for about two years.

Dan Michalove, 20th Century-Fox executive, who has returned from a survey of the properties, is making a report to S. R. Kent and Spyros Skouras.

Michalove will report on the new Australian films act at a Hays office meeting next week.

Grainger Coming East

LOS ANGELES, Jan. 4.—James R. Grainger, president of Republic Pictures, left today for New York after spending the holidays here.

'The Gentle People' Opening Tonight

Franchot Tone and Sylvia Sidney head the cast of "The Gentle People" which bows in tonight at the Belasco. Written by Irwin Shaw, it is the second production of the season for the Group Theatre. Others in the cast include Sam Jaffe, Roman Bohnen, Elia Kazan and Lee J. Cobb.

The D'Oyly Carte Company brings its repertory of Gilbert & Sullivan operettas to the Martin Beck tonight for a season of nine and a half weeks. The cast includes three who are making their Broadway debuts, Helen Roberts, Viola Wilson and John Dudley.

MPTO and Allied to Meet on Trade Pact

(*Continued from page* 1)

poses putting the program in effect with the new selling season.

There is a possibility that M.P.T.O.A.'s approval of the program might be given by the executive committee next week in the event it succeeds in obtaining an agreement from the distributors on giving immediate effect to these major portions of the program. However, it is equally possible that the committee may wish to conduct further negotiations with the distributors on other phases of the program after the cancellation, score charge and local boards provisions have been made operative.

Members of the M.P.T.O.A. executive committee who are expected here Monday for the meeting are Kuykendall, Charles Williams, Omaha; L. C. Griffith, Oklahoma City; Oscar Lam, Rome, Georgia; Arthur Lockwood, Middletown, Conn.; H. V. Harvery, San Francisco, and Lewen Pizor, Philadelphia.

Allied Meets Jan. 17

Allied's attitude toward the trade practice proposals as evolved by the distributors' committtee after extended negotiation with exhibitor groups, will be made known at the annual directors' meeting in Washington Jan. 17 and 18.

Discussion of the first draft of the proposed program will require at least one full day, according to an Allied bulletin, and the directors' vote on the proposals will be among the important business.

"Directors are being urged to bring two or three alternates or advisers so that action taken on important matters coming before the board, particularly in reference to the proposed trade practices and the continuation of the Allied legislative program will represent a cross-section of independent exhibitor opinion," the bulletin states.

Allied's negotiating committee will meet in advance of the board.

Election of officers and selection of the time and place of the next national convention are also on the agenda. W. A. Steffes and Northwest Allied are campaigning for the next convention to be held in Minneapolis. The Indiana unit has a bid in for Indianapolis and New Jersey Allied has entered Atlantic City.

A large attendance is expected at the "Founders' Day" dinner to be held the night of Jan. 17 at the Carlton Hotel, the meeting headquarters. The event will signalize the 10th anniversary of the founding of Allied States and will honor those who signed the original underwriters' agreement. Surviving founders are W. A. Steffes of Minneapolis, H. M. Richey, director of theatre relations for RKO; James C. Ritter of Michigan, H. A. Cole of Texas, B. D. Cockrill, at that time an Indiana exhibitor and now in Denver, and Herman Blum of Baltimore.

Several others who were active in the formation of Allied will be honored guests, including Glenn Cross of Battle Creek, Charles L. Casanave, general manager of National Screen Accessories, and Andy Gutenberg of Wisconsin.

"Zaza," Goodman Open to $11,000

Opening of "Zaza," with Benny Goodman on the stage, brought an estimated $11,000 for the day at the Paramount yesterday. Newspaper cameramen were present during the early hours to catch the antics of the jitterbugs as they danced in the aisles. On Monday, Robert M. Weitman, managing director of the Paramount, appeared as a guest on Goodman's "Camel Hour" to present the band leader with a cup for being the most popular band at the Paramount during 1938.

"Topper Takes a Trip" brought an estimated $105,000 to the Music Hall. At the Globe, "The Lady Vanishes" brought a surprising $10,000, estimated, in its first week and will probably do $8,500 in its second. "Sweethearts" grossed an estimated $41,000 in its second week at the Capitol.

RKO Plan Receives Approval of Bondy

(*Continued from page* 1)

stock of the debtor, equivalent to the amount of their claims and evaluated as of the time of promulgation of the plan, or, at the option of RKO, its equivalent in cash. The final modification provided by Judge Bondy will require that any underwriting agreement for the flotation of new common stock must be first approved by the court.

Judge Bondy stated that in his opinion the treatment of the "stockholders was fair and equitable," especially, he said, in view of the new proposed arrangement with Rockefeller Center, Inc., under which it is a get 415,000 shares of common stock. This arrangement with the Center, the court stated, was greatly to the advantage of the estate.

Mrs. E. V. Lomba Dies

Mrs. E. V. Lomba, wife of the assistant director of foreign distribution for 20th Century-Fox, died Tuesday after a long illness.

Kirsch Drive Leader

CHICAGO, Jan. 4.—Jack Kirsch, Allied Theatres leader, has been named chairman of the Jewish Welfare Drive for Foreign Refugees. Kirsch will be in charge of an extensive campaign being staged here during the coming weeks.

UA Officials Start West Tomorrow for Important Meetings

All of the ranking officials of United Artists will gather in Hollywood next week for a series of important meetings on production and operations. Not only will the annual stockholders' meeting be held, Jan. 12, but a special board meeting also may be called and a company president probably chosen.

Maurice Silverstone, operating head of United Artists; James Mulvey, eastern head of Samuel Goldwyn company; Emanuel Silverstone, representative of Alexander Korda; James Roosevelt, vice-president of the Samuel Goldwyn company, and Lynn Farnol, head of the U. A. advertising and publicity department, are leaving for California tomorrow.

Douglas Fairbanks, Sr., arrives from England today, and likely will head out immediately for California for these meetings.

This will be the first time that all U. A. partners and directors shall be in the one spot, at once.

Under the U. A. by-laws it takes a unanimous vote to elect anybody other than Maurice Silverstone, president.

The presidency would not add any additional power to the overall authority now wielded by Silverstone.

Chinese Film Opens At Belmont Thursday

Sponsored by the Chinese Red Cross through the American Bureau for Medical Aid to China, the Chinese film, "Sable Cicada," will have its premiere at the Belmont next Thursday evening for which tickets are priced from $100.

The regular run will start Friday. Violet Koo, reigning film favorite in China, has the title role. Directed by Richard Poh, the production was brought to this country by Modern Film Corp. English titles were written here under the direction of the Chinese consulate.

Fabian Takes Long Leases on Par-Land

Eight theatres of the Par-Land circuit on Staten Island have been taken over on long-term leases by the Si Fabian circuit. Acquisition was from the Sol Brill estate.

The deal gives Fabian control of Staten Island. Included are the 2,300-seat Paramount Theatre, which is owned by Paramount, and the Strand, New Dorp, Ritz, St. George, Liberty, Stadium and Capitol. Sidney Deneau, formerly with Fabian in the Albany area, will book for the group.

Mae West to Map Program Monday

LOS ANGELES, Jan. 4.—Stockholders of Mae West Empire Pictures will meet Monday to map the year's production program. Besides Miss West they are James Timony, Louis Lurie and Ralph Pincus. Reports that Lurie was dropping out were denied. Announcement of the release deal is expected by Jan. 15.

NEW 'OPEN-DOOR' P

'Open Earlier, Close Later' Policy I
stalled as Key Houses Command
Daily Extra Performances to
Hold 'Turnaway' Crowds

WEST, NORTH, SOUTH
RUSH TO FOLLOW SUIT

Receipts Top All For Yea

Figure On Extra Time! Add Ex
Plan Extra Promotion! It's An E

DAWN

WARNER BROS.

OLICY IN THE EAST!



ERROL FLYNN
in
THE DAWN PATROL
with
BASIL RATHBONE • DAVID NIVEN
DONALD CRISP • MELVILLE COOPER
BARRY FITZGERALD • CARL ESMOND
Directed by EDMUND GOULDING
Screen Play by Seton I. Miller and Dan Totheroh
From an Original Story by John Monk Saunders
Music by Max Steiner

a Performances!
ra-Terrific Smash!

PATROL

Holdover Headquarters

Twin Cities Give 'Hardys' Good $15,000

MINNEAPOLIS, Jan. 4.—A combination of holiday and the first sub-zero temperatures of the winter hurt grosses in the Twin City area. Despite these adverse conditions, "Out West With the Hardys," the best business-getter in Minneapolis, was good for $9,000 at the State, and "Brother Rat" with $7,500 at the Orpheum made a good showing.

In St. Paul, "Out West With the Hardys" was also high, taking in $6,500 at the Paramount, while "Brother Rat" got $5,000 at the Orpheum.

Estimated takings for the week ending Dec. 29:

"A Christmas Carol" (M-G-M)
"Affairs of Annabel" (RKO)
"Flirting With Fate" (M-G-M)
"The Frontiersman" (Para.)
ASTER—(900) (15c-25c). Split week dual bills. Gross: $1,200. (Average, $1,500)
"Thanks for the Memory" (Para.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $2,000. (Average, $4,000)
"Service De Luxe" (Univ.)
GOPHER—(990) (25c) 7 days. Gross: $1,900. (Average, $3,000)
"Brother Rat" (W. B.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $7,500. (Average, $4,800)
"Out West With the Hardys" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $9,000. (Average, $4,400)
"Moonlight Sonata" (Malmar)
WORLD—(400) (25c-55c) 7 days, 5th week. Gross: $1,100. (Average, $1,600)

St. Paul:

"Brother Rat" (W. B.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $5,000. (Average, $3,200)
"Out West With the Hardys" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,500. (Average, $4,400)
"Thanks for the Memory" (Para.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,200. (Average, $2,400)
"Christmas Carol" (M-G-M)
"Down on the Farm" (20th-Fox)
TOWER—(1,000) (25c) 7 days. Gross: $1,000. (Average, $1,600)
"Moonlight Sonata" (Malmar)
WORLD—(400) (25c-35c) 7 days. Gross: $1,200. (Average, $700)

'Patrol' Is Omaha Sensation, $10,800

OMAHA, Jan. 4.—"Dawn Patrol," dualled with "Service De Luxe," was a hit with $10,800 at the Orpheum. The double holiday helped theatre business generally.

"Cowboy and the Lady" and "Touchdown Army" were good for $7,800 at the Omaha, while "There's That Woman Again" and "Peck's Bad Boy with the Circus" drew $5,800 at the Brandeis.

Estimated takings for the week ending Dec. 28-29:

"There's That Woman Again" (Col.)
"Peck's Bad Boy with the Circus" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,800. (Average, $4,000)
"Cowboy and the Lady" (U.A.)
"Touchdown Army" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $7,800. (Average, $5,500)
"Dawn Patrol" (W.B.)
"Service Deluxe" (Univ.)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: $10,800. (Average, $7,200)

To Remodel Exchanges

CLEVELAND, Jan. 4.—A $30,000 remodeling job will be undertaken on the Guenther Building, occupied by the local exchanges of M-G-M, RKO and Universal. The modernizing will include air conditioning, new interior decoration and lighting.

Hollywood Previews

"Chasing Danger"

(20th Century-Fox)

HOLLYWOOD, Jan. 4.—"Chasing Danger," second and last picture in the Twentieth Century-Fox Camera Daredevil series, is likely to stir little comment. The nucleus for a good production is there, but, somehow or other, it does not quite click.

Preston Foster and Wally Vernon, newsreel photographers, are assigned to cover an Arab rebellion in the desert. En route and at the scene of action they become mixed up with Lynn Bari, who, it is evident to all except the players, is being watched by French military officers. Naturally there is romance between Foster and Miss Bari, as well as some that is comedy in character between Vernon and Jody Gilbert. Instead of covering the incidents of the rebellion, Foster decides to find out who is financing and fostering it. That leads him to the trail of a mysterious character, who was supposed to have committed suicide by leaping from a plane years before. The climax reveals that Henry Wilcoxon is fomenting the rebellion and whose arms buying and distributing agent is Miss Bari.

Some audiences, of course, will find "Chasing Danger" entertaining fare.

Running time, 60 minutes. "G."* G. McC.

"Tough Kid"

(Monogram)

HOLLYWOOD, Jan. 4.—This story of the prize ring illustrates a new method by which underworld gamblers and chiselers get control of a prize fighter and how the fighter's younger brother tries to save him from his own stupidity. Fast moving, with plenty of slam bang ring action serving to balance the other melodramatic bits of business, "Tough Kid" presents Frankie Darro in one of his best characterizations and gives him the support of a capable roster of players.

Produced by Lindsley Parsons from a story by Brenda Wiseberg with screenplay by Wellyn Totman and directed by Howard Bretherton, the show is aimed to entertain the masses with particular appeal for those appreciating lots of action.

Unable to do any shady business with fighter Dick Purcell, whose manager Don Rowan, has turned honest, gamblers William Ruhl and Lew Kelly find his weak spot in his affections for cabaret singer Judith Allen. Darro, suspicious that dirty work is afoot, tries to warn brother Purcell, but to no avail. To get money to help sick Miss Allen, Purcell makes a deal with the gamblers to double cross his manager and throw the fight to the champion. As Darro, who has discovered the trickery played upon his brother, is kidnapped, the bout is on. Purcell throws as per agreement, thus repaying his debt. But, even though exonerated of faking, Purcell, rather than fight again, retires to marry Miss Allen and again be the hero of Darro and their mother, Lillian Elliott.

Running time, 61 minutes. "G."* G. McC.

**"G" denotes general classification.*

New York Review

"La Vierge Folle"

(Walch Film Corp.)

"La Vierge Folle," Le Film d'Art production, is a morbid but charmingly photographed story of the eternal triangle. It introduces to American filmgoers 18-year-old Juliettee Faber, an attractive girl who is a splendid actress.

"La Vierge Folle," which translates into English as "The Foolish Virgin," is definitely a picture for adult ears and eyes alone. It describes in slow-moving, objective action, the destruction of the life of a young girl who, with the whole of a large coterie of eligible young Frenchmen to choose from, selects an elderly, married lawyer as her paramour. Fleeing to Egypt, the couple are intercepted by the girl's impetuous young brother, Gaston, who, in the struggle to kill the man, accidentally slays his sister.

The picture is saved from mediocrity only by sensitive and fine performances by Miss Faber and Annie Ducaux, who plays the part of the wife, and by excellent photographic effects.

Running time, 80 minutes. "A." JACK BANNER

**"A" denotes adult classification.*

'Sweethearts' Is Strong $11,800 in Milwaukee's Cold

MILWAUKEE, Jan. 4.—Topnotcher in a week hit by the season's coldest weather was "Sweethearts" and "Young Dr. Kildare" with $11,8[illegible] Fox's Wisconsin.

Second money went to "Dawn Patrol" and "Torchy Gets Her Man" with an $8,500 gross at the Warner. Other business felt the affects of the holidays and the zero weather.

Estimated takings for the week ending Dec. 29:

"Life and Loves of Beethoven" (World)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $1,500.
Artists and Models Abroad" (Para.)
"Ride a Crooked Mile" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Storm Over Bengal" (Rep.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Holiday Follies. Gross: $4,300. (Average, $5,000)
"The Shining Hour" (M-G-M)
"Submarine Patrol" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days. Gross: $2,500. (Average, $4,500)
"Dawn Patrol" (W. B.)
"Torchy Gets Her Man" (W. B.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $8,500. (Average, $5,000)
"Sweethearts" (M-G-M)
"Young Dr. Kildare" (M-G-M)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $11,800. (Average, $8,000)

'Kentucky' $7,000 Big in Indianapolis

INDIANAPOLIS, Jan. 4.—Circle enjoyed smash business of $7,500 with "Dawn Patrol" and "Next Time I Marry." The bill was moved to the Apollo for a second week.

The Indiana tallied a strong $7,000 with "Kentucky" and "Down on the Farm." "Slave Ship" gave the Apollo $3,500. Week's takes were cut into by the winter's severest cold snap.

Estimated takings for the week ending Dec. 29-30:

"Slave Ship" (20th-Fox)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $3,500. (Average, $3,000)
"Dawn Patrol" (W. B.)
"Next Time I Marry" (RKO)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $7,500. (Average, $4,500)
"Kentucky" (20th-Fox)
"Down on the Farm" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $7,000. (Average, $5,000)
"Christmas Carol" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $5,500. (Average, $7,000)
"Heart of the North" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Vaudeville. Gross: $7,800. (Average, $8,000)

Legion Approves 7 Of 8 New Pictures

National Legion of Decency for the current week has approved seven of eight new films reviewed and classified, three for general patronage and four for adults, and classed one as objectionable in part. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Kentucky", "Stand Up and Fight," "Tom Sawyer, Detective." Class A-2, Unobjectionable for Adults—"Le Mioche" (French), "Newsboy's Home," "There's That Woman Again," "Topper Takes a Trip." Class B, Objectionable in Part—"Honor of the West."

L.A. in Boom; 'Sweethearts' Gets $46,500

Los Angeles, Jan. 4.—Local houses ...ed tremendous business, with ...very house going over average, most ...y wide margins. "Sweethearts" did ...22,201 at the Chinese, and $24,346 at ...oew's State, for a combined total ...f $46,500. "Pygmalion" set a house ...ecord at the 4 Star with $9,700.

"Artists and Models Abroad" was ...ery strong, with $26,000 at the Para...ount. "There's That Woman Again" ...nd "Newsboys' Home" took $15,400 ...t the Hillstreet and $12,800 at the ...'antages.

Estimated takings for the week end...ng Jan. 4:

"Sweethearts" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: ...22,200. (Average, $12,500)

"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days. Gross: ...9,700. (Average, $3,250)

"There's That Woman Again" (Col.)
Newsboys' Home" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. ...ross: $15,400. (Average, $6,500)

"Sweethearts" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. ...ross: $24,300. (Average, $14,000)

"There's That Woman Again" (Col.)
Newsboys' Home" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. ...ross: $12,800. (Average, $7,000)

"Artists and Models Abroad" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. ...tage: F. & M. revue, Rube Wolf and his ...rchestra. Gross: $26,000. (Average, $18,000)

"Going Places" (F. N.)
"Devil's Island" (W. B.)
WARNER BROS. (Hollywood)—(3,000) 30c-65c) 5 days. Gross: $14,300. (Average, 14,000)

"Going Places" (F. N.)
"Devil's Island" (W. B.)
WARNER BROS. (Downtown)—(3,500) 30c-65c) 5 days. Gross: $15,300. (Average, 12,000)

'Dawn Patrol' at $15,000 Is Only Cleveland Winner

Cleveland, Jan. 4.—"The Dawn Patrol" was the only film to do well, with $15,000 at Warners' Hippodrome. "Drums" at the RKO Palace with a vaudeville show headed by Ann Miller, the Schnickelfritz Band and Eddie Gar had an average week with $15,000.

"Little Tough Guys" at the Allen was also a par picture with the take close to the $4,000 average. Weather was fair the first half of the week, with snow and cold the last half.

Estimated takings for the week ending Dec. 30:

"Little Tough Guys" (Univ.)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,000. (Average, $4,000)

"The Dawn Patrol" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $12,000)

"Drums" (U. A.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Ann Miller, Schnickelfritz Band. Eddie Gar and vaudeville. Gross: $15,000. (Average, $15,000)

"Artists and Models Abroad" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $10,500. (Average, $13,000)

"Young Dr. Kildare" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $3,500. (Average, $4,000)

Hollywood Previews

"They Made Me a Criminal"

(Warners)

Hollywood, Jan. 4.—"They Made Me a Criminal" proves that John Garfield, sensational recruit to motion pictures, is not a "one shot" actor. Brought to the screen from the stage in Warners' "Four Daughters," Garfield here delivers a powerful performance, delicately shaded, yet poignant, as the youthful fighter who flees the scene of his squared ring triumph because he was erroneously blamed for murder. It is a harsh story, of a youth fleeing into the night fearing that each step might bring him to the hands of the law, and who is finally regenerated by love of a girl and his elderly benefactress, and the companionship of six youngsters.

Supporting Garfield are Claude Rains, Ann Sheridan, May Robson, the "Dead End" kids—Billy Halop, Bobby Jordan, Leo Gorcey, Huntz Hall, Gabriel Dell and Bernard Punsley—Gloria Dickson, Robert Gleckler, Barbara Pepper and others. They handle their assignments more than adequately.

Garfield, as "Johnnie," the prize fighter, flees from New York following his championship fight when a reporter is discovered dead in his rooms. The newspaperman was killed by Garfield's manager, who, running away with a girl, was killed in a traffic accident. Afraid to show his face, Garfield leaves the city to wander as a bum and lands in an Arizona date ranch where he is befriended by the owner, a girl and the youngsters, the latter wards of a juvenile court. He reenters the ring once more, to win money for the group so that they might have a gasoline service station and save the ranch. In doing so, he manages to break the shackles of fear that he might be returned to face punishment for the murder.

On Garfield and the rest of the cast, plus the intriguing title, can be drawn an elaborate showmanship campaign. The story is from the novel by Bertram Millhauser and Beulah Marie Dix, adapted by Sig Herzig. It is a cleverly executed writing task, and the direction by Busby Berkeley leaves nothing to be desired.

Benjamin Glazer was associate producer, acting under Executive Producer Hal B. Wallis.

Running time, 85 minutes. "G."* Vance King

"Devil's Island"

(Warners)

Hollywood, Jan. 4.—Coming at a time when international interest has been aroused in France's plan to start sending convicts to French Guiana again, Warners' "Devil's Island" has a ready made exploitation background. It is a grimly told melodrama, of a doctor who, true to his oath of Hippocrates, undertakes to aid a friend shot while trying to escape imprisonment. Boris Karloff, as the physician, Nedda Harrigan, Adia Kusnetzoff, Rolla Gourvitch, Will Stanton, Edward Keane, Robert Warwick, Pedro de Cordoba, Tom Wilson, John Harmon, Richard Bond, Earl Gunn, Sidney Bracy, George Lloyd, Charles Richman, Stuart Holmes, Leonard Mudie, Egon Brecher and Frank Reicher make up the cast.

Finding conditions on Devil's Island intolerable, Karloff plots to escape. In the meantime, he is called upon by the prison director to operate upon the brain of his daughter, injured in a fall. The director welches on his promise to save the life of a ringleader of a mutiny, so Karloff escapes with his companions, only to be returned to the Island. However, one of the escaping convicts has stolen records of the director's thieving, and in the end, Karloff receives his pardon, remaining on the Island as the physician for the penal colony.

The adaptation by Kenneth Gamet and Don Ryan of the original story by Anthony Coldeway and Raymond L. Schrock emphasizes the grimness of the story, produced by Bryan Foy. William Clemens directed.

Running time, 60 minutes. "G."* Vance King

**"G" denotes general classification.*

Wins Lucas Trophy

Savannah, Ga., Jan. 4.—Trophy awarded annually by Arthur Lucas, president of the Lucas & Jenkins circuit, to the person who has given the most worthwhile service to Savannah has been won for 1938 by Robert M. Nelson, of New York, chairman of the Savannah & Atlanta Railroad.

Open Canada Exchange

Toronto, Jan. 4.—Colonial Pictures, Ltd., have begun operations as a new independent exchange under the direction of B. W. Silver as managing director, and Mike Goodman, formerly of Winnipeg, in charge of the exploitation department. Other branches in the Dominion are planned.

Chicago Vaude Gives $17,200 To "Secrets"

Chicago, Jan. 4.—Vaudeville units helped grosses here. "Secrets of a Nurse," and a Major Bowes group gave the Oriental a strong $17,200, and Helen Morgan on the stage boosted the State-Lake take, with "Campus Confessions" to $16,200.

"Snow White" took a good $7,200 at the Apollo. The weather was unsettled and cold most of the week, but warmer weather helped at the close.

Estimated takings for the week ending Dec. 27-31:

"Snow White" (RKO)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $7,200. (Average, $6,500)

"Artists and Models Abroad" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Kiddie Revue. Gross: $31,000. (Average, $32,000)

"Say It In French" (Para.)
"Gangster's Boy" (Mono.)
GARRICK—(900) (30c-40c-50c) 7 days. Gross: $6,200. (Average, $6,500)

"Secrets of a Nurse" (Univ.)
ORIENTAL—(3,400) (25c-30c-40c) 7 days. Stage: Major Bowes' Swing Unit. Gross: $17,200. (Average, $13,000)

"Spring Madness" (M-G-M)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Bill Robinson and Revue. Gross: $18,600. (Average, $19,000)

"Trade Winds" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $10,800. (Average, $11,000)

"Campus Confessions" (Para.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Helen Morgan & Nick Foran. Gross: $16,200. (Average, $12,000)

"The Shining Hour" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $10,900. (Average, $15,000)

'Young in Heart' Clicks in Capital, Garners $17,500

Washington, Jan. 4.—"The Young in Heart" clicked well, with $17,500 at Loew's Palace. "Dawn Patrol" was strong at Warners' Earle with $19,500, and "Young Dr. Kildare" took a good $19,000 at Loew's Capital.

Estimated takings for the week ending Dec. 29:

"Young Dr. Kildare" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Salici Puppets, Don Zelaya, Chester Hale Girls. Gross: $19,000. (Average, $16,500)

"The Great Waltz" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Return engagement. Gross: $4,500. (Average, $4,200)

"The Young in Heart" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $17,500. (Average, $11,500)

"Listen, Darling" (M-G-M)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $11,000. (Average, $10,000)

"Dawn Patrol" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Lyda Sue, The Michons, Roxyettes. Gross: $19,500. (Average, $16,000)

"Blondie" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $4,500. (Average, $4,000)

Books on W. B. Shorts

Hollywood, Jan. 4.—Warners publicity department has made arrangements under which Prentice-Hall, text book publishers, will bring out a series of books covering the studio's patriotic shorts.

CBC Reports $2,253,735 1938 Revenue

TORONTO, Jan. 4.—The annual report of the Canadian Broadcasting Corp. for the past fiscal year, shows a net operating surplus of $88,624, with an increase of $702,987 in fixed assets of which $500,000 was financed by the Dominion Government. Total revenue of the corporation from government, license fee and commercial program sources for the 12 months was $2,253,735.

CBC spent its money in the following proportions: programs, 50 per cent; wire lines for transmitting programs, 22 per cent; operation of CBC radio stations, 13 per cent; leases of time on private stations, 2.70 per cent and administration expenses, 6.77 per cent. During the previous fiscal year CBC spent 41 per cent for programs, 28 per cent for transmission, 13 per cent for station operation, 9 per cent for private stations and 8 per cent for administration.

With respect to television, the network declared: "The policy laid down was to consider only applications from parties financially capable of conducting research and that for experimental purposes only. In the matter of facsimile (the reproduction through radio receivers of news in some printed form) the policy provides the denial of all applications from private interests."

Regarding the construction of a high power short-wave system for the exchange of programs on a world wide basis, the statement said: "Being a project to the general national advantage, it was considered as one for the special consideration of the Government. In this connection, the corporation laid down the policy of recommending no new short-wave licenses under private control, pending clarification in consultation with the Government of its own plans for a short-wave system.

Actual expenditures for the year ended March 31 last were as follows: programs, $1,088,419; station network, $536,396; operation of stations and studios, $303,968, and administration, $146,686.

Wells CAPA President

CHICAGO, Jan. 4—Officers for the coming year have been elected by CAPA (Chicago Amusement Publicists Association). For the new term M. O. Wells is president; Sidney Stern, vice-president; Jack Rubin, treasurer; Jack Kirshever, secretary; Mort Green, sergeant-at-arms and Ted Morris, publicity director.

Hutton to Minneapolis

Robert L. Hutton of CBS in New York, has been transferred to WCCO, CBS station in Minneapolis, where he will become sales promotion chief. He succeeds Arthur Lund.

Adler Joins WHOM

Sid Adler, formerly night manager of WHN, a post from which he recently resigned, has joined WHOM as production chief. He will also serve in an announcing capacity.

Radio Personals

EDDIE CANTOR and troupe return to Hollywood Jan. 10. . . . Benny Goodman, who just went into the Paramount for three weeks, will leave for a week's vacation in Miami following the conclusion of the run on Jan. 25. . . . To Miami also will go Ben Bernie when he finishes his vaudeville tour next month. . . . Artie Shaw's orchestra leaves the Hotel Lincoln Jan. 29 to go on tour, the first stop being the Cornell prom. . . . Tenor Jimmie Shields has been given a year's renewal contract by Mutual.

✚

Elsa Lanchester, wife of Charles Laughton, will be interviewed by Radie Harris on Mutual tonight. . . . Congressman Emanuel Celler will be the em cee on the next Refugee Theatre of the Air program on WHN. . . . Lanny Ross has written a song in collaboration with Abner Silver, "Listen to My Heart.". . . Lew Danis of the Procter & Gamble "Ivory Masques" program, is playing the masculine lead in "One Good Year," stage play, in the Broadway Theatre, Woodcliff, N. J.

Gospel Renews WHN Program for a Year

Gospel Broadcasting Association has renewed its contract over WHN for 52 more weeks for the "Old Fashioned Revival" series. The account was placed through R. H. Alber agency.

Wander Co. has contracted with WHN for spot announcements for Ovaltine. The contract, for 32 weeks, was placed by Blackett-Sample-Hummert.

Mutual Billings at Record $2,920,323

Time sale billings on the Mutual network for 1938 amounted to $2,920,323, the largest total in the five-year history of the network. The year saw a 30.4 per cent improvement over the 1937 total of $2,239,077.

For December, 1938, the billings totaled $337,368, a rise of 37.4 per cent over the revenue for the corresponding month last year, which amounted to $245,465.

BBC Will Continue Vaudeville Telecasts

LONDON, Jan. 4.—British Broadcasting Co. is continuing with its telecasting of stage shows, planning to relay 40 variety acts from the London Coliseum on Jan. 13. Three cameras will be in operation for the telecast.

Delay AFRA-4A Talks

Scheduled meeting between representatives of the American Federation of Radio Artists and the American Association of Advertising Agencies, for the purpose of working out agreements covering salary scale and working conditions for artists appearing in network commercially sponsored programs, has been postponed until Friday.

Kay Arnold Dies

Kay Arnold, WOR singer, died New Year's Day in Lakewood, N. J., where she was appearing with her brother, Buddy, at the Oak Court Hotel. Miss Arnold was buried yesterday in Montfiore Cemetery.

Bemis Heads KHQ News

SPOKANE, WASH., Jan. 4.—John Bemis, formerly reporter on the *Chronicle*, has succeeded Bob Phillips, resigned, as editor of the KHQ-KGA news staff.

Muzak Is Radio Competitor With New Service for Home

Muzak, a subsidiary of Warners, selling wired radio for the past several years to restaurants and grills, has developed a new service whereby its own musical transcriptions, plus regular radio programs culled from specially selected radio stations will be made available to apartment and home dwellers in New York at a cost approximately that of a telephone.

Muzak's entry into the home field places the company in direct competition with radio set manufacturers.

The monthly charge for the Muzak receivers will be $3.50 and $5, for a small and large receiver, respectively.

Muzak has been experimenting with this plan to bring wired entertainment direct to homes in Cleveland for the past two years.

In addition, Muzak has developed another plan whereby, with use of its own developed carrier current transmitter, apartment dwellers will be offered the choice of four leading broadcasting stations in the metropolitan area. Reception will be guaranteed without static or fading.

The service will be made possible by installation of the carrier current transmitter in the buildings to be served which will automatically tune in the radio programs selected on specially built Muzak receivers which will feed them to the apartments in the building on the electric power lines of the building.

The new home receiver is housed in a cabinet which resembles a radio set, and which is tuned by a series of six buttons, four for the specially selected radio stations, one for the Muzak non-advertising musical recordings, and an "off" button.

Local stations, queried for comment about this Muzak plan, were non-committal, but obviously the Muzak service will be a problem with the choice of but four stations of the approximately 18 operating locally offered in the Muzak plan.

Muzak has already begun its new service by installing receivers and transmitters in the Chrstal Building on East 54th St. Stations whose programs will be fed over the Muzak transmitter there are WABC, WEAF, WJZ and WOR.

Facilities Increased To Handle 11th-Hr. 'Quiz' Contest Rush

Having been unprepared for the eleventh-hour flow of entries in the $250,000 "Movie Quiz" contest, Radio & Publications Contests, Inc., [illegible] is handling the entries for campaign headquarters, has been compelled to increase its facilities for handling the unexpected final rush of entries. However, despite the heavy flow, the total is still under the original expectations.

Additional space has been taken in the Grand Central Palace Building. For the next week there will be a night shift of readers, additionally.

Louis Davidson, New York newspaperman, is in charge of the readers and preliminary judging. After a second reading, entries which appear to be meritorious are filed for the final judging by a committee including Mrs. Ogden Reid, publisher of the *Herald Tribune;* James E. West, Boy Scout Executive; Hendrik Willem van Loon, writer; Helen Wills Moody and Congressman Bruce Barton.

A large number of entries has been returned to the senders by the Post Office for insufficient postage. These will be considered eligible provided the postmark is no later than midnight Dec. 31.

Entries have been received from South America, Cuba, Puerto Rico, Hawaii and other territories not covered by the contest. Unless the contestant can show that the contest films were seen in the United States or Canada, entries are not valid.

Set Uniform Charge On Production Code

Uniform service fee for maintenance of the Production Code Administration has been established by the M. P. P. D. A. board of directors for both domestic and foreign-made pictures, it was stated at the Hays Office yesterday. Fee for foreign-made pictures formerly was half that for domestic productions, whether made by M. P. P. D. A. member producers or not.

All fees are based on the cost of individual productions, being scaled upward from a minimum charge of $25 for a $25,000 domestic production. Thus the minimum fee for a foreign-made picture formerly was $12.50. Change was made as a result of the increasing number of high cost pictures being made by member producers under the British quota act.

M. P. P. D. A. board is scheduled to hold an adjourned meeting today.

WLW Honors Staff In Program Jan. 23

CINCINNATI, Jan. 4.—"In Recognition" is the title of a program to be aired by WLW, 11:15 to 11:45 P.M., E.S.T., Jan. 23, to honor those who have served the station for many years.

Powel Crosley, Jr., president Crosley Corp., will participate, as will an outstanding publisher in the radio field. Awards will be presented to those having rendered service for five, 10 and 15 years.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 4 NEW YORK, FRIDAY, JANUARY 6, 1939 TEN CENTS

Trust Suit and Pact Dealings Halt Programs

Production Plans for '39 Seriously Jeopardized

Major company production plans for 1939-'40 are seriously jeopardized by the uncertainties created by the Government anti-trust suit and the unconcluded trade practice negotiations. New season programs thus may be delayed.

Until the trade practice concessions for next season are pretty well defined, the companies are unable to make decisions on next season's sales plans and production programs. Policies will be largely influenced by the trade practice program and the outcome of the suit.

Major companies may be compelled to seriously consider reducing their production because of the proposed cancellation clause in the trade practice program. The program offers other obstacles to production and the companies' plans for the new season. However, two companies will conduct early sales conventions. M-G-M is considering two or three regionals in March and 20th Century-Fox is considering a national convention in Chicago the first week in April, which will be attended by about 300.

These companies are almost completely sold up on 1938-'39 possibilities. They are in position to clear the deck for early selling next season.

Companies which normally release 52 features a year cut down in view of the situation. This of course has nothing to do with the per picture cost.

A reduction in the number of major company films due to the causes mentioned may bring about a shortage and have effect on theatre operators generally, as on duals.

KMTA Aims to Seek Anti-Ascap Measures

KANSAS CITY, Jan. 5.—Introduction of anti-Ascap measures in both the Missouri and Kansas legislatures is proposed by the Kansas-Missouri Theatre Association in conjunction with a new organizational membership drive. The association's present membership includes about 400 of the 600 theatres in the territory but it hopes to add the remaining 200 to gain complete exhibitor backing for the proposed legislation.

Frank Cassil, K.M.T.A. president, at a meeting here, named E. E. Webber, Jr., C. E. Esterley and Ed Hartman to a special membership committee for this area.

English Archbishop Makes Fund Trailer

London, Jan. 5.—All newsreels have prepared a trailer featuring the Archbishop of Canterbury, aimed to aid the Baldwin Refugee Fund. The trailer will be shown on Monday, urging the public to patronize the benefit showings in all theatres on Jan. 14. Posters also have been circulated.

Father Lanphier Is Barred from Radio For Political Talk

OTTAWA, Jan. 5.—Rev. Charles Lanphier of Toronto today was indefinitely suspended from broadcasting over the Canadian Broadcasting Corp.'s network facilities by Gladstone Murray, general manager of the network. The suspension follows the priest's broadcast of last Sunday in which he is said to have attacked communism and to have intervened in the Toronto municipal election campaign.

In a statement explaining the suspension, Murray stated that last January after a period of suspension fro

(*Continued on page 8*)

Additional developments in radio on page 8.

KEEP TICKET TAX, ROOSEVELT URGES

Judge Bondy Hears Modifications to Expedite RKO Plan

In an effort to speed up the final stages of the promulgation of the proposed plan of reorganization of RKO, Judge William Bondy yesterday held hearings on the modifications of the plan which he had set forth in his opinion filed on Wednesday. Col. Hamilton C. Rickaby, as attorney for the Atlas Corp., stated that the proponents of the plan and nearly all participants who had cooperated with Atlas, approved the modifications unconditionally.

Carlos Israels, of the downtown firm of White & Case, attorney for the committee of unsecured creditors, applied to Judge Bondy for a change in the proposed modification which makes mandatory a dividend of $1.50 for preferred stockholders for the first quarter-year. Under the change suggested by Israels, the dividend would be reduced to $1, if it fell due less than one year after promulgation of the plan. Judge Bondy reserved decision on his application.

The application to reduce the participation of the Rockefeller Center to 415,000 common shares of RKO was

(*Continued on page 4*)

Budget Message Points To Necessity of All Possible Revenue

WASHINGTON, Jan. 5.—Extension of the admission and other temporary taxes which under existing law will expire next June and July was recommended to Congress today by President Roosevelt in his annual budget message.

Continuance of these levies, the President explained, is recommended "not because I regard them as ideal components of our tax structure, but because their collection has been perfected, our economy is adjusted to them, and we cannot afford at this time to sacrifice the revenue they represent."

If the Congress at this session should adopt new taxes more scientifically planned, he added, it is possible that the existence of these new taxes will enable us in a later year to give consideration to abolishing some of the present "nuisance" levies.

For the current fiscal year, Roosevelt disclosed, admission tax collections are expected to total only $18,400,000, as compared with $20,800,779 actually collected in the fiscal year 1938, but receipts are expected to increase to $19,200,000 during the 1940 fiscal year, which begins July 1, next.

Carried among the anticipated expenditures during the coming fiscal year are the usual items of $79,000

(*Continued on page 4*)

Skouras Says West Coast Giveaway Ban to Continue

"No giveaway" policy at the 195 theatres in west coast division of National Theatres will continue indefinitely, it was said here yesterday by Charles Skouras, National Theatres operating head.

This division has been saving $15,000 a week since Sept. 1 by tossing out Bank Night, Bingo, Ten-O-Win, Treasure Chest, Prosperity Club and similar stimulants as well as merchandise giveaways such as refrigerators, automobiles, baby carriages and other things.

Giveaways had been in effect in the coast division for two and a half years. Early last year they were taken out of 16 Los Angeles suburban theatres for a test which lasted three months. In August, the experiment was extended to another area and on Sept. 1 went into effect throughout the division.

Skouras found that grosses improved, and with the savings resulted from the elimination, the theatres came out on top. He believes giveaways have reached the saturation point with the public. It was found that their elimination stimulated managers to a full use of showmanship. Skouras believes that is the key to the situation.

Following the success of giveaway elimination in the California divison, experiments with a "no giveaway" policy will be conducted in all other divisions of the 450-theatre circuit

Skouras sails tomorrow with his wife and daughter on the *Conte di Savoia* for an eight-week trip abroad, including a visit to his birthplace in Greece.

Edington Forms New Firm; Joins Universal

HOLLYWOOD, Jan. 5.—Harry Edington today announced formation of Famous Productions, Inc., which will make four to six pictures annually with top players and directors for Universal release.

Edington sold out his interests in Harry Edington-Frank Vincent, Inc., to Vincent and Charles K. Feldman to devote his time to production. In addition, he will arrange financing for other companies in which stars, directors and writers will share in the profits.

Edington as production executive identified with M-G-M handled the affairs of Greta Garbo, Grace Moore and others who now are expected to come under the Universal banner. He will make headquarters at Universal and plans production of three pictures this calendar year.

Purely Personal

SIR ADRIAN BAILLIE, associate of DOUGLAS FAIRBANKS, SR., arrives today on the *Washington* with FAIRBANKS. Other passengers are BERNHARD GARDNER, RCA managing director in London; DORIS KEANE, actress; VERA BERGMAN, Viennese film player, and YVONNE GEORGI, dancer.

•

DENNIS F. O'BBIEN and EDWARD C. RAFERTY, attorneys for MARY PICKFORD, DOUGLAS FAIRBANKS and CHARLES CHAPLIN, will leave New York today for the coast to attend the United Artists' stockholders meeting there Jan. 12.

•

JOE VOGEL, DAVID LOEW, JAMES MULVEY, MAURICE BERGMAN, HORTENSE SCHORR, CHARLES STERN, at lunch yesterday, at Moore's.

•

ROGER FERRI has canceled plans for a European trip. He will leave Sunday with MRS. FERRI for a four-week stay in Miami.

•

STANLEY WILLIAMSON has been transferred by Jam Handy to New York, in charge of retail sales training meetings.

•

REX O'MALLEY, Paramount player, arrives in New York tomorrow for a vacation. While here he will read several scripts.

•

T. B. NOBLE, JR., head of State Theatres, Inc., Oklahoma City, and MRS. NOBLE have left for a vacation cruise to Cuba.

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MR. and MRS. MORRIS KINZLER, FAY GILLIS, among diners at Maison Maurice Raviol, last night.

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HARRY COX, MILTON HOSSFELD, ED ZABEL and JOHN HEALY of National Theatres are in Florida.

•

LOUIS PHILLIPS, Paramount attorney, returned to New York yesterday from Washington.

•

WILL H. HAYS plans to leave for the coast on his annual winter visit next weekend.

•

HARRY BRANDT has returned from Miami.

Journal, U. A. Plan Contest on "Winds"

The New York *Journal-American*, in a tieup with United Artists, will conduct a contest in connection with "Trade Winds," which opens at the Music Hall Thursday, for the best review on the picture by a reader of the paper. There will be a prize offered, a round trip for two to Bermuda.

Additionally there will be secondary prizes totaling $100. The contest in the newspaper will begin Monday and run until Thursday. Closing time for the readers' reviews, it is understood, will be Sunday after the opening of the picture at the Music Hall.

Bogart Rogers Resigns

HOLLYWOOD, Jan. 5.—Bogart Rogers, production and story adviser at Paramount, and former story editor, has resigned.

Insiders' Outlook

By SAM SHAIN

THE president of one of the major companies, in his office one day, was surprised by a paragraph in one of the trade papers that it was his company's intention to remove the firm's advertising manager. This incensed the operating chief and, because the advertising manager was in Hollywood, he summoned the assistant to the advertising manager and ordered him to withdraw immediately all the company's advertising from the particular paper involved.

And so the assistant advertising manager telephoned the editor of the trade paper and said: "Sir, we are withdrawing all our advertising from your paper forthwith, because of the untrue story you printed regarding our advertising manager."

"What advertising?" exclaimed the editor. "You haven't had any advertising in our paper for at least a year and a half."

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A nation-wide survey by the *Ladies' Home Journal*, published in the February issue of that paper, shows that 77 per cent of the 37,000,000 women in the country think motion pictures are becoming more entertaining. This survey holds that no film of 1938 was offensively vulgar, an opinion rendered by 89 per cent of all the women. The survey is one of a series which the magazine has been conducting to discover the opinions of American women on the vital matters of the day. The magazine claims it to be scientifically accurate, and similar to the method which forecast the 1936 presidential election.

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As a whole, the women were evenly divided on the question whether films should show women drinking. Sixty-six per cent of the farm women and 62 per cent of the small town women objected to such scenes. A similar difference of opinion existed on scenes of women smoking. Sixty-two per cent of the women had no objection. Fifty-seven per cent of the farm women and 50 per cent of the small town women disapproved.

▼

It was the opinion of 91 per cent of the women that children under 14 should be allowed to see only recommended pictures. Sixty-nine per cent would prohibit children from seeing more than one picture a week, and the curious part of it all is that 57 per cent of the women, a small majority, indicated no objection to commercial advertising on the screen.

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From Washington we learn that the U. S. Treasury Dept. is assuming a rigid attitude regarding the filing of income tax returns, this year, on time. If any extensions for time are to be granted, it seems that such extensions will be accorded only in "extremely meritorious cases," and only upon a showing that filing by March 15 will be physically impossible.

The most acceptable reason for failure to file individual returns in time, according to the department explanation, will be illness of the taxpayer, or the latter's unavoidable absence from the United States.

Corporations are expected to be on time with their reports, as the inability of attorneys and accountants to prepare corporation returns on time will not be accepted.

It seems that an affidavit will be required stating the reasons for a taxpayer seeking more time to file his return.

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Among the most fascinating sights of New York these days is the tearing down of the old Sixth Ave. El. West 53rd Street is now a street of lightless pillars of steel standing in sidewalk holes, presenting a picture of some ancient excavation by archeologists. A mobile derrick, probably three stories tall, lifts the broad steel girders from the pillars after the welders with their torches sever the cross-beams from the uprights. And below the trestles trucks are parked, ready to carry away the steel and iron. No ambulance, but occasionally a radio patrol car will stop and remain near the scene of work for a few minutes. Passersby stop and watch the men working on the abandoned tracks. There is no more unusual scene of action in the city, and when it moves down Sixth Ave., millions are going to get an extraordinary free show.

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The testimony of Lenox Lohr, president of NBC, before the FCC monopoly committee in Washington the other day that his company will ban all liquor advertising, seems to be in conformity with the aim of Rep. Culkin (N. Y.) who introduced a bill in Congress on Tuesday, prohibiting liquor advertising by radio.

▼ ▼

In the 15 major engagements thus far played by "Trade Winds," the picture has established an unusual record of having been held over or given a moveover. In Chicago, at the Roosevelt Theatre, in its second week, the picture grossed $13,400, which is $2,000 better than the first week at a house where the average is $9,000.

Renominate Ellis as Head of Associates

Jack Ellis of RKO was renominated for a second term as president of the Motion Picture Associates at a meeting at the Hotel Lincoln yesterday.

Other officers were renominated, with the exception of Jerry Wilson, who retires as first vice-president in favor of Moe Sanders. Others are: Matthew Cahan, second vice-president; Sol Trauner, treasurer; Ingo Fraum, secretary; Charles Penser, financial secretary; Louis I. Kutinsky, sergeant-at-arms. Since there was no opposing the slate, nomination is tantamount to election.

Two trustees will be elected at the next meeting at the Lincoln Jan. 13. Nominees include Harry Buxbaum, Joe Lee, Seymour Schussel, William Stein and Nat Beier. Installation of officers will follow a week or two later.

The Associates have donated $250 to the Motion Picture Art Fund for German Refugees.

Bernstein Host to Drive Group Today

Members of the drive committee, amusement division, in the campaign of the Federation for the Support of Jewish Philanthropic Societies of New York will be guests of David Bernstein at a luncheon at the Astor today. Bernstein, who is co-chairman for the division, urged all members to attend the luncheon meeting as it "was the last opportunity for our group, which has shown such a fine spirit of cooperation" to get together.

RKO District Heads Will Meet Tomorrow

RKO district managers will meet tomorrow and Sunday at the Waldorf-Astoria, with Jules Levy, general sales manager, presiding. Home office executives and department heads will address the meeting and the men will be given their first opportunity to meet George J. Schaefer, the commany's operating chief.

Three films set for early release will be discussed. They are "Gunga Din," "The Great Man Votes" and "Love Affair."

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

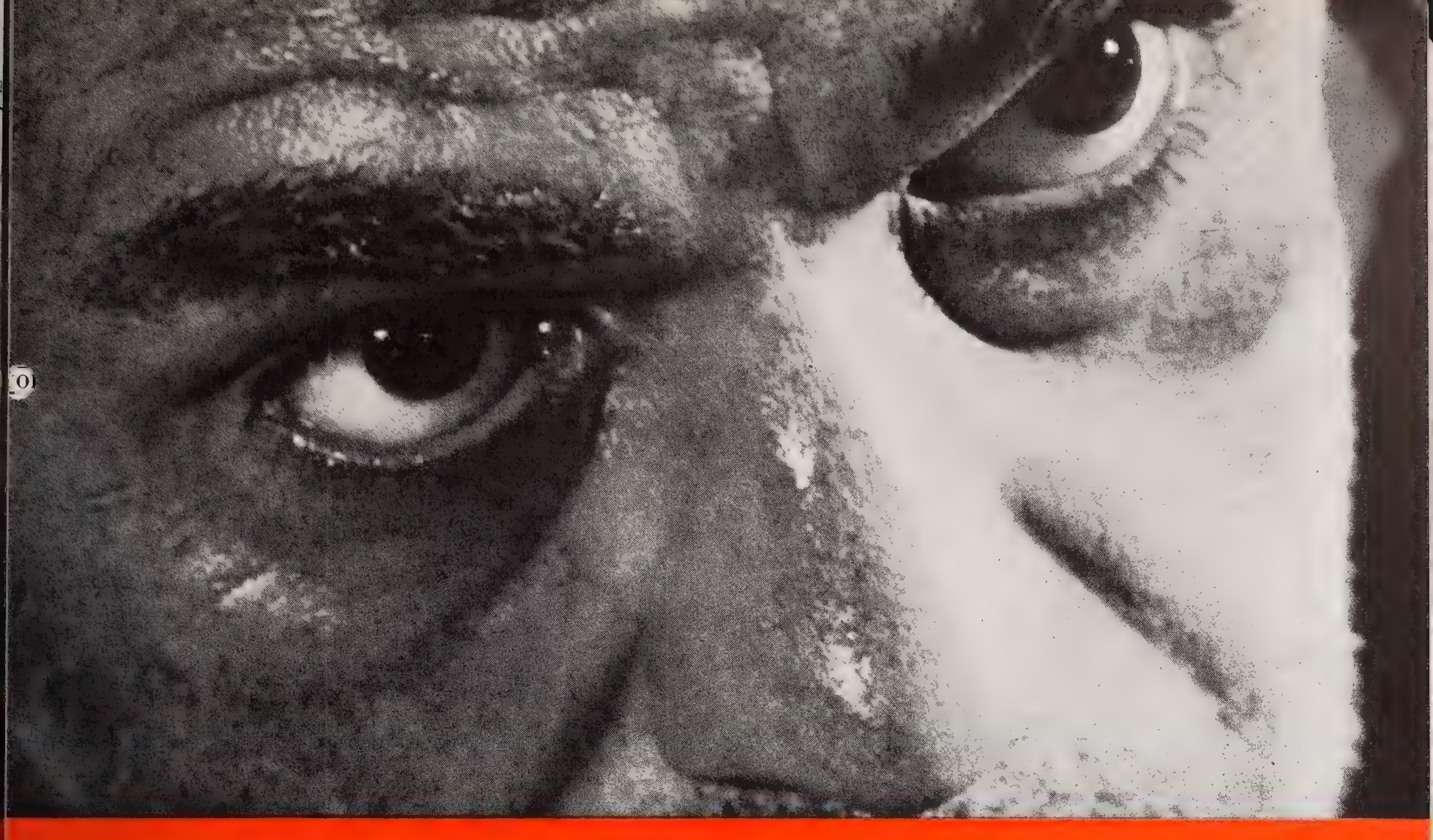
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



SEALED FOR 100 YEARS!

It Took a Century to Make Them Talk About

DEVIL'S ISLAND

. . Warners Filmed All They Told!

French Government May Take Hand In Paris Film Strike

PARIS, Jan. 5.—Government intervention in the Paris theatre "strike" appeared likely today following a meeting of representative exhibitors with Vice-Prime Minister Camille Chautemps, France's chief executive in the absence of Premier Daladier, who is now in Tunisia. Chautemps urged the exhibitors to reopen the theatres at once, promising Government consideration of their "excessive" taxation problem which brought about the closings.

A second meeting today of film representatives and Government officials ended abruptly when Department of Finance officers accused the exhibitors of fostering the strike to "blackmail" the authorities at a time when the Government is in urgent need of new income. The exhibitors are remaining adamant, are rejecting all promises and insist that the theatres will be kept closed until definite relief from the tax burden is granted.

Some members of the Municipal Council contend that the Government should reduce the state taxes on theatres first, which are twice as high as the provincial taxes. Idle theatre workers are now demanding that their pay be continued during the "strike" and are asking for the expulsion of "foreign" exhibitors from theatre operations in France.

Meanwhile, Paris night life is suffering from the theatre closings, with business at cafes, night clubs and restaurants at low levels. No increase in attendance at legitimate and vaudeville theatres has been noted.

Renew Ticket Tax, Roosevelt Urges

(*Continued from page* 1)

for motion picture activities of the Department of Agriculture and $85,000 for motion picture service for the Navy. Of some interest to the film industry is an increase from $780,000 to $1,530,000 in the fund to be appropriated for the anti-trust division of the Department of Justice.

The Federal Communications Commission is to receive an appropriation of $2,038,175, compared with $1,745,000 for the current year, but no indication was given of the purpose of the increase other than that it will be applied to salaries and expenses.

19 Managers Freed of Sunday Charges

PHILADELPHIA, Jan. 5.—Managers of 19 Central City film houses were discharged by Magistrate McBride on a charge of giving shows after midnight New Year's Eve, although the law forbids theatres to open before 2 P. M. on Sunday.

The judge expressed the belief that it is a good thing to have theatres open New Year's Eve, since it serves to keep people off the streets. D. Benjamin Kresch, Warner attorney, represented the defendants.

Canada Theatres Now Number 1,310

Toronto, Jan. 5.—There are now 1,310 theatres in the Dominion, according to the year-end statistics of the Toronto Film Board of Trade. Of this number, 53 theatres are closed, leaving 1,257 houses on the active list throughout the country. According to the report, this represents an increase of seven per cent over the total at the end of 1937.

The number of theatres in Canada at the close of 1936 was 1,030 and the report shows a net increase in active theatres for the two years of approximately 250.

$2,730,000 Spent On Stories in '38

Industry's investment in plays and stories for motion picture production during 1938 showed a drop of about $510,000 from the $3,240,000 spent for source material during the preceding year.

The 1938 expenditure, amounting to $2,730,000, purchased 546 story properties, 102 less than the 648 acquired during 1937. Original stories comprised more than half of the material purchased. Novels numbered 143, magazine stories, 57, and plays, 30. The novels acquired represented a gain of 26 per cent over 1937 in this type of source material; magazine story purchases remained at the same level as for the preceding year, while play purchases during the year declined to their lowest level in the past four years. This material accounted for only five per cent of the total, compared with 75 plays, or 10 per cent of the 1937 total, and 58 plays, or six per cent of the total, in 1936.

Sherman Will Make 6 Cassidy Pictures

HOLLYWOOD, Jan. 5.—Harry Sherman, producer of Paramount's Hopalong Cassidy and Zane Grey pictures, will make six Hopalongs and at least two Grey pictures this year. William Boyd will be starred as Hopalong. Sherman has signed Russell Harlan, cameraman, to a new contract. Sherman has gone to St. Louis to attend to the three-day Paramount sales managers' meeting opening Saturday.

Chase Sells 50,400 Shares of 20th-Fox

WASHINGTON, Jan. 5.—Disposition of 50,400 shares of 20th Century-Fox common stock by the Chase National Bank in November, reducing its holdings to 236,758 shares, was disclosed today by the Securities and Exchange Commission in its semi-monthly summary.

Other transactions in 20th Century-Fox common reported by the commission included the disposition of 10,000 shares by William Goetz, Los Angeles, reducing his holdings to 184,643 shares, and a similar amount by Darryl F. Zanuck, whose holdings were reduced to 122,130 shares.

The report also showed disposition of 100 shares of General Theatres Equipment Corp. common stock by Edward C. Delafield, New York, director, who at the close of the month held 100 shares; disposition of 100 shares of Loew's, Inc., common by Isidore Frey, New York, director, whose holdings were reduced to 300 shares, and 400 shares of the same stock by Charles C. Moskowitz, director, who held 600 shares at the close of November.

Other transactions reported were the acquisition of 500 common voting trust certificates in Universal Corp. by Daniel M. Sheaffer, Philadelphia, director, whose holdings were increased to 16,500, and acquisition of 100 shares of Universal Pictures first preferred stock by Preston Davie, New York, director, who theretofore had held no such securities.

Judge Bondy Hears RKO Modifications

(*Continued from page* 1)

approved without opposition. Judge Bondy also allowed Radio Corp. of America to file a claim for $18,000 paid by it for taxes covering the transfer of securities, but made it clear that he was not at present passing on the merits of the claim.

The filed consents to the plan were criticized by Judge Bondy, who stated that "although technically sufficient," they were in "very poor shape."

A formal order prepared by Col. Rickaby, which incorporated the suggestions made by Judge Bondy in his decision, and which had been served on all parties, will be signed on Saturday, if approved by the court. Hearings were adjourned to Jan. 26.

The Newsreel Parade

President Roosevelt's address to the 76th Congress is the chief subject covered in the new issues of all the newsreels. Rose Bowl, Cotton Bowl, Orange Bowl and Sugar Bowl football games, included in the reels, climax that sport for the season. The reels and their contents follow:

MOVIETONE NEWS, No. 34—Roosevelt addresses Congress. Shirley Temple leads pageant in Pasadena. Australian life-boat crews battle waves. Mrs. Roosevelt aids baby clinic. Fashions from Peru. Lew Lehr. Sugar, Cotton, Rose and Orange Bowl football games.

NEWS OF THE DAY, No. 232-Roosevelt speaks to Congress. French troops guard Tunis. Tournament of Roses. Fashions in shawls. Rose and Sugar Bowl games.

PARAMOUNT NEWS, No. 45—Daladier tours French territory. Arabs vow allegiance to England. Cold spell hits Europe. Highlights of President's message to Congress. Orange, Sugar and Rose Bowl games.

RKO PATHE NEWS, No. 49—Roosevelt speaks to new Congress. Budge beats Vines in tennis match. Governor Olson to free Tom Mooney. Premiere of Earl Carroll's club. Rose, Sugar and Orange Bowl games.

UNIVERSAL NEWSREEL, No. 734—Roosevelt addresses 76th Congress. Italian demands protested in Tunis. Taxi strike in New York. Colonial shawls in Lima. Miami beach beauties. Cotton, Rose and Orange Bowl games.

Economic Unit Is Likely to Resume Study of Patents

WASHINGTON, Jan. 5.—Despite reports that the Temporary National Economic Committee had completed its study of patents, for the time being, at least, Patent Office officials today were said to be compiling material on the subject, with indications that the probe, which last month covered only the automobile and glass container industries, will be renewed when the committee resumes its hearings Jan. 16.

If the subject is revived, it was said, Patent Commissioner Coe will be prepared to submit "case studies" of patent experience in various industries, with the possibility that the situation in radio, and perhaps also in motion pictures, will be laid before the committee. About a week would be required for the Patent Office to present all its data, it was stated.

A number of other Federal agencies also are said to have pushed their studies to a point where they are ready to go before the committee. Wage and unemployment data have been compiled by the Labor Department and a number of industry studies have been completed by the Federal Trade Commission.

Para. Group Off to St. Louis Sales Meet

Paramount home office sales delegation have left for the company's three-day district sales managers meeting in St. Louis, beginning tomorrow.

In the home office delegation will be Neil Agnew, sales manager, who will preside; Division Managers J. J. Unger, Charles Reagan and Oscar Morgan; Robert M. Gillham, director of advertising and publicity; G. B. J. Frawley, Don Velde, Alec Moss, Fred Leroy, Jack Roper, Herman Lorber, Arthur Dunne, Lou Diamond and District Managers M. S. Kusell and W. H. Erbb.

The home office group will be met in St. Louis today by District Managers H. H. Goldstein, Cleveland; R. C. LiBeau, Kansas City; H. W. Braly, Dallas; G. A. Smith, Los Angeles; Ben Blotcky, Minneapolis; Allen Usher, Chicago; Harold F. Wilkes, Atlanta, and M. A. Milligan, Toronto. Cliff Lewis, studio advertising manager, also will attend.

Two Seeking $75,000 In Radio-Vaude Suit

Suit involving a plan to obtain participation of radio advertisers in vaudeville production was revealed in the N. Y. Supreme Court when Fanchon & Marco, Inc., defendants, applied for permission to take depositions of Boris Morros and Milton Feld in Los Angeles. Sidney C. Davidson and Fred Suhr, plaintiffs, seek $75,000 damages, claiming that the defendants breached a contract whereby the plaintiffs were to negotiate with radio advertisers to participate in a vaudeville show called "Alice in Radioland," which would stage animated packages depicting radio advertisers' products.

Sweethearts' Is Denver Sensation, Grossing $17,000

DENVER, Jan. 5. — "Sweethearts" stood them up at the Orpheum, and established the second largest gross in the history of the house, taking $17,000, in a week of generally good business.

"Trade Winds" drew $4,000 at the Aladdin, and the dual of "Up the River" and "Blondie" brought a strong $5,000 to the Paramount.

Estimated takings for the week ending Jan. 4:

"Trade Winds" (U. A.)
ALADDIN—(1,400) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Christmas Carol" (M-G-M)
"Flirting With Fate" (M-G-M)
BROADWAY—(1,100) (25c-40c) both after a week at the Orpheum. Gross: $3,000. (Average, $2,500)
"Tom Sawyer, Detective" (Para.)
"Adventures of Chico" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $6,000. (Average, $5,500)
"Dawn Patrol" (W. B.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $8,500)
"Sweethearts" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $17,000. (Average, $7,500)
"Up the River" (20th-Fox)
"Blondie" (Col.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $5,000. Average, $3,500)
"Submarine Patrol" (20th-Fox)
"His Exciting Night" (Univ.)
RIALTO—(878) (25c-40c) 7 days; "Submarine Patrol" after a week at each the Denver and Aladdin. Gross: $2,000. (Average, $1,750)

'Hardys' Is Smash $25,000, Buffalo

BUFFALO, Jan. 5. — Holiday week takings here were spotty. "Out West with the Hardys" did a smash $25,000.

The Century made a profitable exception in its usual dual policy with "Angels with Dirty Faces" in a return engagement on a single bill and earned $10,000.

The Lafayette dualed "Storm" with "Swing, Sister, Swing" and took $9,000.

Estimated takings for the week ending Dec. 31:

"Out West with the Hardys" (M-G-M)
BUFFALO—(3,000) (30c-55c) 9 days. Gross: $25,000. (Average, 7 days, $12,000)
"Artists and Models Abroad" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $5,000. (Average, $7,500)
"Thanks for Everything" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"Angels with Dirty Faces" (W. B.)
CENTURY—(3,000) (25c) 10 days. (Rerun). Gross: $10,000. (Average, 7 days, $6,000)
"The Storm" (Univ.)
"Swing, Sister, Swing" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $9,000. (Average, $6,300)

Suits Over Showing Of Shorts Dismissed

Two suits against Weinberg Enterprises, Inc., which formerly owned the Cameo, Yonkers, and Joseph Weinberg, charging unlicensed exhibition of 20 shorts have been dismissed by Federal Judge John C. Knox for failure to prosecute.

The cases were settled out of court some time ago. Weinberg relinquished operation of the theatre more than a year ago. Plaintiffs were Universal, Big U Film Exchange, United Artists and Walt Disney Productions. The actions asked for at least $250 damages for each alleged exhibition.

Out Hollywood Way

HOLLYWOOD, Jan. 5. — LORETTA YOUNG and her three sisters go into 20th Century-Fox's "Alexander Graham Bell." They are POLLY ANN YOUNG, GEORGIANA YOUNG and SALLY BLANE . . . PAT O'BRIEN, ANN SHERIDAN and RONALD REAGAN head the cast of "The Roaring Road," auto race story . . . E. B. DERR has lined up four features to finish his program of eight for Monogram. They are "Star Reporter," "Undercover Agent," "The Girl from Rio" and "Prison Born." He expects to have all finished by the end of March . . . MEL EPSTEIN has been appointed assistant to Producer-Director WESLEY RUGGLES, replacing ARTHUR JACOBSON, who has been elevated to head of Paramount's talent department . . . SHIRLEY LOGAN draws the feminine lead of Paramount's "Federal Offense," featuring LLOYD NOLAN and J. CARROL NAISH . . . Warners is planning to make "River's End," novel by JAMES OLIVER CURWOOD, in color, due to the success of "Heart of the North". . . TIM HOLT gets the lead in RKO's "G-Dog," which DAVID HOWARD will direct and BERT GILROY produce.

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Casting—DANNY WEBB has been signed by Wilding Pictures for a series of commercial pictures for Chrysler Motors . . . RALPH FORBES to "The Hound of the Baskervilles," 20th Century-Fox . . . JANE BRYAN, HENRY O'NEILL and ELIZABETH RISDON to "Hero for a Day," Warners, which will feature CHARLES GRAPEWIN . . . HUGH SOTHERN and HERBERT RAWLINSON to "Juarez," Warners . . . JOHNNY WALSH to "Huckleberry Finn," M-G-M . . . RICHARD LANE to "Union Pacific," Paramount . . . ANTHONY ALLEN and RALPH MORGAN to "Fast and Loose," and SARAH HADEN to the title role of "Clara Barton," short, at M-G-M . . . WILLIAM COLLIER, SR., to "I'm from Missouri," Paramount.

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Directors—MICHAEL CURTIZ has been assigned to direct Warners' remake of "The Sea Hawk". . . AUBREY SCOTT will guide Republic's "White Fury," in which BARTON MACLANE, BEVERLY ROBERTS, HORACE MACMAHON, BEN WELDON and CLARENCE KOLB head the cast . . . LES GOODWINS will direct "Picardy Max," RKO story of a trained dog.

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Contracts—M-G-M has renewed the contract of GEORGE SEITZ, who starts his 26th year in motion pictures . . . Warners has extended the contract of GALE PAGE.

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Titles—"Boy Slaves" will be the release title of "The Pure in Mind," RKO, which formerly was called "White Slaves". . . "Nancy Drew, Trouble Shooter," is the next of the Bonita Granville series vehicles at Warners.

'Hour' at $10,000 Clicks in Montreal

MONTREAL, Jan. 5.—"The Shining Hour" was the leader here, with $10,000 at the Capitol, dualled with "The Lady Objects."

"Trade Winds" went over the top at the Orpheum with $5,500, while "A Christmas Carol," on a double bill at the Princess, registered $7,500.

Estimated takings for the week ending Dec. 31:

"The Shining Hour" (M-G-M)
"The Lady Objects" (M-G-M)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $10,000. (Average, $9,500)
"Five of a Kind" (20th-Fox)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Six vaudeville acts. Gross: $8,500. (Average, $8,000)
"Trade Winds" (U. A.)
"Little Orphan Annie" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $5,000)
"The Great Waltz" (M-G-M)
PALACE—(2,600) (25c-40c-50c-65c) 7 days. Gross: $8,000, 2nd week. (Average, $11,000)
"A Christmas Carol" (M-G-M)
"Girls' School" (Col.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $7,500. (Average, $7,000)

Charter Three Firms

ALBANY, Jan. 5.—Three film companies have been chartered here, Alma American, Inc., Relcnik Film Corp., and Alro Amusement Corp., all of New York City.

W.E. English Rate Cut

LONDON, Jan. 5. — Reductions in service charges went into effect for Western Electric licensees with the beginning of the new year.

Warners' Product Talks Open Monday

LOS ANGELES, Jan. 5.—Warners' studio heads have made plans to receive the home office delegation leaving New York today, headed by Gradwell Sears, coming here for production conferences. In the group with Sears, due here Monday, are Mort Blumenstock, Sam E. Morris and Carl Leserman.

Conferences between the New York group and Jack and Harry Warner, Hal B. Wallis and S. Charles Einfeld are expected to last two weeks. New season product and the remainder of the 1938-'39 schedule will be discussed.

Warners already have finished 40 of its 52 pictures for 1938-'39. Six, including "Dodge City" and "Juarez," are shooting now.

Last year the Warner studio was first to map the new season schedule beginning in April and May and the conferences slated to start next week are the earliest on record of any company.

Wednesday the New York delegation will witness a preview of "Wings of the Navy" and other pictures.

Rock Studio Failure Blamed on Directors

LONDON, Jan. 5.—Failure of Rock Studios is charged to mismanagement on the part of directors in the report of the official receiver. It is alleged that the directors failed to make provision for the ambitious production program to which the company was committed.

TheatreChanges

TWO IN WISCONSIN

MILWAUKEE, Jan. 5.—New Wisconsin theatres include the Rex at Reeseville and the Vogue at Arcadia while the Rex at Racine, dark for many months, has been reopened by Stan Kohlberg. The new Vogue is operated by H. C. Anderson, former Chippewa Falls, Wis., theatre manager.

OPEN IN WATERBURY

WATERBURY, Conn., Jan. 5.—Nick Mascoli has reopened the 700-seat Garden as the Plaza. The house will change its policy to third run, four changes weekly, 10 to 20 cents admission.

NEW YOUNGSTOWN HOUSE

YOUNGSTOWN, O., Jan. 5.—Foster, new house here, has opened. It represents an investment of approximately $100,000. Officers are Joseph E. Shagrin, president and treasurer; Max Shagrin, vice-president; Herman Heller, secretary, and C. C. Choffin director. J. C. Fisher is manager

OPEN IN MIAMI BEACH

MIAMI BEACH, Jan. 5.—The new Surf, seating 650, has been opened. It is the second unit of the Cameo circuit to be erected by Herman Weingarten here.

PLAN BROOKLYN HOUSE

Building containing a theatre with 1,500 seats will be built at the southeast corner of Clinton and Centre Sts., Brooklyn, near the Red Hook housing development. William Hohauser is the architect.

REOPENS IN BELLEVILLE

BELLEVILLE, O., Jan. 5.—A. F. Ramsey, of Mansfield, has reopened the Park here and will operate it Wednesday and Saturday evenings.

TO OPEN IN PLAINFIELD

Strand in Plainfield, N. J., will reopen Jan. 23 following re-seating and general alterations at a cost of $20,000.

NEMO READY MAY 1

WOODBOURNE, N. Y., Jan. 5.—Construction on the Nemo, a 675-seat house is expected to be completed by May 1. Owners are Edward Sholemson and Morris Popkin.

Ohio Censors Cut 57 Reels and Reject 10

COLUMBUS, Jan. 5. — The Ohio censors reviewed a total of 494 reels in December, from which 57 eliminations were ordered. Ten reels were rejected. This compares with 665 reels reviewed. 47 eliminations ordered, and 16 reels rejected in November, while in December, 1937, there were 701 reels with 30 eliminations.

During 1938, there was a total of 6,213 reels reviewed and 365 eliminations ordered. The 1937 figures are 7,487 reels and 397 eliminations.

Reade Plans Vaudeville

Stage shows comprising an orchestra and four acts of vaudeville are planned for three Walter Reade houses, the Broadway, Kingston, starting Jan. 18; Community, Hudson, Jan. 19; Community, Syracuse, Jan. 20. George Sergeant's band will be featured, once weekly at each house.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. B.
Dec. 2	Terror of Tiny Town (G) (O) *Jed Buell's Midgets*	Flirting with Fate (G) (C) *Joe E. Brown Leo Carrillo*		Little Orphan Annie (G) (C) *Ann Gillis Robert Kent* (3814)	Come On, Rangers (G) (O) *Roy Rogers Mary Hart*		Road Demon (G) (D) *Henry Arthur Joan Valerie Henry Armetta* (918)		Strange Faces (G) (D) *Dorothea Kent Frank Jenks Andy Devine*	Comet Over Broadway (G) (D) *Kay Francis Ian Hunter*	Climbing High (M) *Jessie Matthews Michael Redgrave* (Dec. 1)
Dec. 9	Rio Grande (O) *Charles Starrett Ann Doran*	Dramatic School (A) (D) *Rainer Goddard Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile (G) (D) *Farmer Tamiroff* (3815)	Western Jamboree (O) *Gene Autry Smiley Burnette*	Next Time I Marry *Lucille Ball James Ellison* (910)	Up the River (G) (C) *Tony Martin Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack Edmund Lowe*	Heart of the North (G) (D) *Dick Foran*	
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	
Dec. 23	There's That Woman Again (G) (C) *Douglas Bruce*	The Girl Downstairs (G) (C) *Tone Gaal Connolly*	Wild Horse Canyon (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds (G) (D) *Fredric March Joan Bennett*	Newsboys Home *Jackie Cooper Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn Rathbone*	G. N.
Dec. 30	Smashing the Spy Ring *Fay Wray Ralph Bellamy*	Sweethearts (G) (M) *MacDonald Nelson Eddy*	Tough Kid (G) (D) *Frankie Darro Judith Allen*	Artists and Models Abroad *Jack Benny Joan Bennett* (3817)	Federal Man Hunt *Livingston Travis*		Kentucky (G) (D) *Loretta Young Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard Joan Fontaine*		Going Places (G) (C) *Dick Powell Anita Louise*	Sunset Murder Case *Sally Rand* (Nov. 11) (345)
Jan. 6 1939	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor Wallace Beery Florence Rice*		Disbarred *Gail Patrick Otto Kruger* (3818)	Fighting Thoroughbreds *Ralph Byrd Mary Carlisle Robert Allen*	Pacific Liner *McLaglen Chester Morris Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	The Long Shot (G) (D) *Gordon Jones Marsha Hunt* (Jan. 6)
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X *Michael Whalen Mary Hart*	The Great Man Votes *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*	Idiot's Delight *Shearer Gable*	Drifting Westward (O) *Jack Randall*	Ambush *Swarthout Lloyd Nolan* (3820)	Arizona Legion (O) *George O'Brien*		Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	Trigger Pals (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 27	Lone Wolf Spy Hunt *Warren William Ida Lupino*	Four Girls in White *Florence Rice*	Sundown on the Prairie *Tex Ritter*	Paris Honeymoon *Bing Crosby Gaal* (3821)	Pride of the Navy *James Dunn Rochelle Hudson Gordon Oliver*		Jesse James *Tyrone Power Henry Fonda Nancy Kelly* (921)			King of the Underworld *Kay Francis Humphrey Bogart*	Exile Express *Anna Sten* (Jan. 20)
Feb. 3		Honolulu *Eleanor Powell Robert Young*	Navy Secrets *Fay Wray Grant Withers*	Boy Trouble *Ruggles Boland*		Fisherman's Wharf *Bobby Breen Henry Armetta Leo Carrillo*	The Arizona Wildcat *Jane Withers Leo Carrillo*		Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	Ride 'Em Cowgirl (O) *Dorothy Page* (Jan. 20) Crashing Through (Renfrew Series) *James Newill* (Jan. 20)

Warners Plan Poll To Determine Value Of Younger Players

Warner Bros. intends to consult public opinion in a nation-wide audience poll, to take six months, wherever W. B. films are played, to determine the future box-office worth of its younger players. The checkup will include exhibitor points of view as well as the public's and is to be employed as a checkup guide to Jack L. Warner and Hal B. Wallis, in determining the eventual production assignments of these players.

The public and exhibitors will be asked to indicate their views on which of the W. B. players stand to become box-office draws. These players will include John Garfield, Jeffrey Lynn, Priscilla Lane, Eddie Albert, Geraldine Fitzgerald, Ann Sheridan, Gale Page, Jane Wyman, Marie Wilson, Rosella Towne, Bonita Granville and John Payne.

Through pamphlets to be distributed directly to audiences and by notice on the screen, patrons will be asked to comment on the players and leave their comment with the theatre management.

The players mentioned are to appear in several of the company's newer films, which are: "They Made Me a Criminal," "Yes, My Darling Daughter," "Wings of the Navy," "Dodge City," "Dark Victory," "The Professor Steps Out," "Broadway Cavalier," "Adventures of Jane Arden," "Nancy Drew—Reporter," "Sweepstakes Winner," "The Poor Nut."

I.T.O. Leads Fight On Tax Rise in Ohio

COLUMBUS, Jan. 5.—With the incoming legislature facing the problem of increasing taxes or finding new sources of revenue to meet a deficit of several million dollars, theatre owners in all parts of Ohio were making plans today to spike efforts to increase the present three per cent state admissions tax.

Determined to prevent any attempt to double or triple the tax to pay the cost of administering the state government, Independent Theatre Owners of Ohio, under the direction of their secretary, P. J. Wood, are leading the fight against increasing the levy. Members have been instructed to contact their senators and representatives and urge them to oppose unfair taxation.

Principal threat is the group from smaller counties which has insisted such a wealthy industry as the motion picture business can afford to pay more of the cost of government.

Saland and Katzman Set Deal on 20 Films

HOLLYWOOD, Jan. 5.—Nat Saland, president of Mercury Laboratory of New York, to day completed a deal with Sam Katzman, head of Victory Pictures, under which Katzman will produce 12 features and eight westerns. Saland, who also is distributor for Victory, will take the group on a franchise basis. First is due for delivery April 14. Saland will return to New York tomorrow or Saturday.

Hear North Dakota Appeal Next March

WASHINGTON, Jan. 5. — Appeal arguments on the North Dakota affiliated theatre divorce law will be heard by the U. S. Supreme Court early in March, it was indicated today with the filing of the appeal papers in the high court.

Paramount and its two theatre subsidiaries affected by the North Dakota law, Minnesota and American Amusement Companies, are appealing from the Federal statutory court decision upholding the legality of the statute requiring the separation of exhibition from production and distribution interest.

Want Denver Church Operators Licensed

DENVER, Jan. 5.—Headed by Harry Huffman, Fox city manager, a number of theatre managers asked the City Council to pass a law making it mandatory for all public film exhibitors, such as schools and churches, to employ a licensed operator. Huffman pointed out that Denver theatres employ 1,000, and pay $120,000 in taxes, and are forced to conform to all building and fire regulations, and that is no more than right, as well as a protection to patrons of charity shows, that they obey the same regulations. The council took the proposal under advisement.

Selig Group Obtains French Film Rights

United States rights to the French production, "Double Crime in the Maginot Line," were acquired yesterday from Marcel Hellman by a local group represented by A. L. Selig Mack Littman acted for Hellman.

The group is considering acquiring the rights to four additional productions, Selig said.

Carleton Brewster Dies

Carleton E. Brewster, pioneer Long Island exhibitor, was killed Wednesday in an automobile crash at New Smyrna, Fla., according to word received here yesterday. His brother, Eugene Valentine Brewster, former playwright and motion picture director, died in Brooklyn Sunday.

Studios Have 36 Features in Work

HOLLYWOOD, Jan. 5.—Thirty-six pictures are before the cameras this week, as 10 finished and seven started. Twenty-six are in the final stages of preparation and 72 are being edited.

Started were: "Blondie Steps Out," Columbia; "Man about Town," "Federal Offense," "Grand Jury Secrets" and "Invitation to Happiness," Paramount; "White Fury," Republic; "The Hound of the Baskervilles," 20th Century-Fox.

In addition to these, shooting were: "Let Us Live," "Romance of the Redwoods," Columbia; "Wuthering Heights," Goldwyn; "Wizard of Oz," "Four Girls in White," "I Take This Woman," "Huckleberry Finn," "Broadway Serenade," "Song of the West," "Fast and Loose," M-G-M; "Union Pacific," "Midnight," "The Lady's from Kentucky," "I'm from Missouri," Paramount; "The Romantic Castles," "The Saint Strikes Back," RKO; "The Lone Ranger Rides Again," "Forged Passport," Republic; "Son of Frankenstein," "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," "Code of the Streets," Universal; "Stage Coach," Wanger; "Dodge City," "Juarez," "Broadway Cavalier," "Sweepstakes Winner," "On Trial," Warners.

Finished were: "Mounted Police No. 1," Columbia; "Ice Follies of 1939," M-G-M; "Navy Girl," Monogram; "Me and My Gal," "Sweepstakes Millionaire," Paramount; "Love Affair," RKO; "Ridin' the Range," Republic; "It's Spring Again," Roach; "Torchy Blane Runs for Mayor," "Smashing the Money Ring," Warners.

Columbia and M-G-M are each shooting a short subject, for the only activity in this division. M-G-M finished one; a total of four are being prepared, and six are being edited.

Ivins Joins Audio

Clinton F. Ivins, former vice-president of Pathescope Co. of America, has joined Audio Productions, Inc., in an executive capacity, the appointment made by Frank K. Speidell, president.

121 Key City Houses Gross $1,367,894 in Holiday Week

An aggregate gross of $1,367,894 was recorded by 121 first run theatres in 20 major cities of the country during the Christmas-New Year's week this year, which compares with a total gross of $1,527,459 from 125 key theatres operating in the same 20 cities during the corresponding week last year. The decline for this year was equal to about 10 per cent.

The average per theatre for the holiday week this year amounted to $11,305, while the per theatre average last year was $12,219. Based on the per theatre average, if 125 theatres had reported this year, the 1938 holiday total would have been only $114,345 under the 1937 holiday week.

Following is a comparative tabulation of the 20 cities:

City	Holiday Week 1938 Gross	Th. No.	Holiday Week 1937 Gross	Th. No.
Boston	$85,500	6	$100,200	7
Buffalo	53,500	5	53,850	5
Chicago	118,800	8	137,800	8
Cincinnati	47,500	8	53,350	8
Cleveland	48,000	5	67,500	6
Denver	29,500	7	38,950	7
Detroit	50,000	5	69,700	5
Kansas City	34,000	6	49,700	5
Los Angeles	92,594	8	123,559	11
Milwaukee	32,100	5	35,800	5
Minneapolis	19,600	5	22,800	5
Montreal	39,500	5	49,500	5
New Haven	19,360	4	29,500	4
New York	378,200	8	336,300	2
Omaha	24,400	3	23,500	3
Philadelphia	110,800	9	104,900	9
San Francisco	84,150	9	94,800	7
St. Paul	11,500	2	16,750	4
Seattle	37,850	7	35,000	7
Washington	50,500	6	84,000	6
TOTALS	$1,367,894	121	$1,527,459	125

Sunday Films to Be Permitted in Ontario Province

TORONTO, Jan. 5.—The new year will see the introduction of Sunday shows in the province of Ontario, according to declarations by both Premier M. F. Hepburn and Attorney-General Gordon Conant, who have declared themselves in favor of an open Sunday similar to that enjoyed in the United States and in the province of Quebec. The proposal is to take advantage of a clause in the Lord's Day Act of 1906, a Federal statute, which permits a provincial government to authorize Sunday performances or sports and it has been suggested that theatres and ball parks be permitted to open after 2 P.M.

"It is far better that our people should have an opportunity for some recreation and amusement than that they should be compelled to pass the whole day under the restraint that now exists," Conant declared. "If games and performances were permitted after a certain hour, I am inclined to think that the good to be accomplished would far more than offset any disadvantage or detriment that might result."

Premier Hepburn announced that the Government was considering the proposal of permitting increased recreational activities on Sundays, declaring that "our blue laws are in need of complete overhauling."

Dallas Case Appeal Off Until Wednesday

WASHINGTON, Jan. 5.—Arguments on Paramount's appeal of the Interstate Circuit case, from the Federal court at Dallas, which were scheduled to have been heard by the U. S. Supreme Court today, were postponed until next Wednesday due to the illness of Thurman Arnold, special assistant to the Attorney General, who will argue the case for the Government.

Thomas D. Thacher and Louis Phillips, of counsel for Paramount, and George S. Wright of Dallas, attorney for Interstate, were on hand for the company appellants. The case was before the Supreme Court last spring but was remanded to the Dallas District court for findings of fact and conclusions at law which had been omitted from the lower court's opinion.

'Gunga Din' Plays Music Hall Jan. 26

"Gunga Din" will have its world premiere at the Music Hall on Jan. 26. Based on the poem by Kipling, the screenplay was prepared by Ben Hecht and Charles MacArthur. Heading the cast of 1,000 players are Cary Grant, Victor McLaglen and Douglas Fairbanks, Jr.

Second week of "Kentucky" grossed $55,000, estimated, at the Roxy, and will be held for a third week. "Dawn Patrol," at the Strand, drew an estimated $50,000 for its second and final week. "Going Places" starts there today. "The Black Cat" and "The Dark House" attracted an estimated $8,200 at the Rialto. "Jesse James" is due at the Roxy on Jan. 13.

Canada Nazi Talk Over CKAC Leads To Action by CBC

MONTREAL, Jan. 5.—On orders from Ottawa, station CKAC here has forwarded to Gladstone Murray, head of the Canadian Broadcasting Corp., a copy of the New Year's Day address by Karl Dannenberg, feuhrer of the Nazi party for eastern Canada and acting German Consul.

Station officials admit the speech had not been read by them before presentation. The corporation is to decide on whether the rules governing broadcasting have been infringed.

Dannenberg's speech, addressed to compatriots here, lauded Hitler. It has evoked criticism from listeners and other consuls are said to be planning diplomatic representation to Ottawa.

One CKAC official explains the time on the air was offered free to Dannenberg along with nine other local consuls as an annual gesture of the station. It was also said speeches were not read by the station due lack of interpreters and expectations that speakers would be diplomatic. Dannenberg admits leadership of party but claims he spoke in the capacity of consul and not feuhrer.

Samuel Paley Gets 26,000 CBS Shares

WASHINGTON, Jan. 5.—Exchange by Samuel Paley, Philadelphia, director, of 26,000 Columbia Broadcasting System Class B voting trust certificates for an equal volume of Class B stock in November was reported today by the Securities and Exchange Commission.

The report showed also that Jacob Paley, Los Angeles, director, in October had made a similar exchange of 33,362 voting trust certificates for stock.

Other transactions in CBS securities included the disposition by Prescott S. Bush, New York, director, of 10 shares of Class A stock held through Brown Bros. Harriman and four shares held through an investment corporation, and of nine shares of Class B held through Brown Bros. Harriman and four shares held through an investment corporation. Leon Levy, Philadelphia, director, reported the disposition by gift of 118 shares of Class B stock, reducing his holdings to 44,412 shares.

WCKY Shifts Fosdick

CINCINATI, Jan. 5.—Inability to air Dr. Harry Emerson Fosdick's "National Vespers" because of other commercial commitments from 4 to 4:30 P.M., Sundays, WCKY, "operating in the public interest," will broadcast the transcription of the program at 6:30 P.M., on Sundays.

Burgling Record

Cincinnati, Jan. 5.—Dewey Long, who came here from Charlotte, N. C., three months ago, as general manager of WSAI, has had his home visited by burglars six times within that period. He claims this is a record.

Radio Personals

NAN WYNN has been booked into the Chicago Theatre, Chicago, for an unlimited period and will be off the CBS airways for the length of the engagement. . . . Jean Hersholt will be guest of honor at a party Tuesday given by Mrs. Elaine Sterne Carrington, radio author. . . . Jeno Bartel's orchestra from the Hotel Lexington will be carried by WHN, beginning Sunday. . . . Ireene Wicker will lecture before the script writing course of Columbia University next Tuesday. . . . John Fitzgerald, CBS director of sports, became a Benedict immediately after the start of the new year. . . . Elsie Janis will guest appear in the RCA "Magic Key" on Sunday.

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Celebrate 10th Year Of 'School' on WLW

CINCINNATI, Jan. 5.—The tenth anniversary of the "Nation's School of the Air," originating at WLW and fed to a coast-to-coast Mutual hookup daily, will be celebrated with a special broadcast at 12:15 P. M. Saturday.

B. H. Darrow, educational director of WBEN, Buffalo, who set up the first broadcast for the parent "Ohio School of the Air," will speak from Buffalo. John W. Bricker, Governor-elect of Ohio, one of the early teachers on the program, will be heard from WBEN, Columbus, while Joseph Reis, educational director, and William Dow Boutwell, director of the Radio Workshop, will participate from the local station.

Drake on Coast to Sign for Gulf Show

HOLLYWOOD, Jan. 5.—Colonel J. Frank Drake, president of the Gulf Oil Co., arrived today to put the final signature on agreement under which Screen Actors' Guild members would participate in the Gulf sponsored show on CBS, and disclosed that if the contract is carried through the three-year option period, the Motion Picture Relief Fund would get a total of $1,300,000.

SAG and other film organizations participating in the program are offering talent gratis in order that the relief fund which cares for film needy and aged might build a home and hospital with sponsor-paid money.

Father Lanphier Barred from Air

(*Continued from page 1*)

the air, Father Lanphier was restored in the religious series sponsored by the Radio League of St. Michael after he agreed that his broadcasting activities could only be resumed on condition that he confine himself to items of ecclesiastical nature, avoiding politics and controversial series in economics.

Last Sunday Father Lanphier intervened actively in the municipal campaign in Toronto thereby infringing the Broadcasting Act of 1936. In view of the violation, Father Lanphier was suspended from broadcasting.

FCC Calendar

WASHINGTON, Jan. 5.—Application for authority to change frequency from 1,370 to 630 kilocycles and increase power from 100 watts night, 250 watts day, to 1,000 watts, together with an increase in time from sharing to unlimited, has been asked of the Federal Communications Commission by KMAC, San Antonio.

An application also was filed by KPLT, Paris, Tex., asking for change of time from day to unlimited.

The commission will hold hearings Feb. 24 on the applications of the Suffolk Broadcasting Corp. for a 1,420-kilocycle station at Suffolk, Va., and Presque Isle Broadcasting Co. for a 1,500-kilocycle station at Erie, Pa., both to operate with 100 watts power night, 250 watts day, and on March 10 hearings will be held on the applications of the Publix Bamford Theatres, Inc., for a 1,430-kilocycle, 1,000-watt station at Asheville, N. C., and WDAN, Danville, Ill., for extension of time from day to unlimited with 100 watts night, 250 watts day.

The commission has ordered that hearings be held on the broadcasting applications of the Spartanburg Advertising Co. for a new 1,370-kilocycle station at Spartanburg, S. C., with 100 watts night, 250 watts day; Panama City Broadcasting Co. for a 1,200-kilocycle station at Panama City, Fla., with 100 watts night, 250 watts day; WHDH, Boston, for extension of time from day to unlimited and increase of power from 1,000 to 5,000 watts; WNAC, Boston, for increase of night power from 1,000 to 5,000 watts, and KFJZ, Fort Worth, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts.

Kirkman Renews Its 'Rhythms' Over WOR

Kirkman & Son, through the N. W. Ayer agency, has renewed its program, "Restful Rhythms," on WOR. Program is heard three times weekly.

New York Telephone Co. has renewed its participation in the Martha Deane WOR program, effective Jan. 6. Batten, Barton, Durstine & Osborn placed the contract.

Hearth Trio on CBC

Milton Hearth and Trio have been signed for a series of "Light Up and Listen" broadcasts to be heard over the entire Canadian Broadcasting Corp. network in transcription form. Programs are to be sponsored by the Imperial Tobacco Co.

Connolly Joins CBS

Tom D. Connolly, recently resigned as advertising manager of Abraham & Strauss, has joined the advertising and sales promotion department at CBS in an executive capacity. Victor Ratner is sales promotion chief.

RCA Promotes Walker

Frank Walker has been appointed manager of the RCA Victor and Bluebird Record department. Additionally, he will continue as manager of Victor's broadcast transcriptions activities.

Banner LINES

ONE of the toughest ordeals suffered by noted people who are called to radio is the requirement that they stand by while the announcer or commentator, in glowing terms, describes the accomplishments and virtues of that dear, dear person who is about to be introduced. Which leads to Elsa Lanchester's appearance on Sam Taylor's "Hollywood Sound Stage" on WHN the other evening.

Miss Lanchester listened intently as Sam praised her as an actress, an author, and a person. She listened until her blushes got the better of her—then, as Sam continued, she whistled, chuckled loudly, and heckled every time Sam said something particularly nice about her. All of which went over the air.

▼

CBS production department is petitioning engineer MacDonald Nyehn to change his name. When an engineer on duty is called by telephone he acknowledges his identity by giving his surname, adding the number of the studio from which he is working. So it's quite confusing when Nyehn answers the telephone and announces: "Nyehn-2." or "Nyehn-10."

▼

NBC's action in banning beer and liquor advertising from its network is plainly a gesture intended to impress the F. C. C., for beer and liquor accounts have not been able to buy NBC network time for a number of years past—not since Ben Bernie quit broadcasting for Pabst. The action will not affect the beer business carried on single NBC stations, such as the Ruppert show.

▼

Life's funnier moments are provided Sundays shortly before the New York Philharmonic broadcasts, when production man Ralph Kaltenborn, commentator Deems Taylor and announcer Frank Gallop huddle on how to pronounce the names of orchestral titles and composers whose works are to be featured in the forthcoming concert. Discussions sometimes become really hot before unanimity on pronunciation is reached.

▼

Article on television in the current *Liberty*, bearing Major Lohr's by-line, represents the editorial effort of several of the lads in the press department and Chief Engineer Hanson. *Liberty* sent Lohr a check for $500 for the article, but he returned it with a request that it be donated to charity.

▼

WQXR, grand little New York station, doubled its sales of time in 1938 over 1937, a reward the station richly deserves. When annoyed by banalities heard on networks and the local independent stations, dialing to WQXR is a restful experience.

▼

For the third consecutive year on the aniversary of his death, WHN on Tuesday will pay tribute to the memory of "Roxy." John S. Young will be the M. C.

—JACK BANNER

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 5 NEW YORK, MONDAY, JANUARY 9, 1939 TEN CENTS

Ticket Tax to Wait Study of Income Totals

Capital Sees Continuance on Roosevelt's Plea

WASHINGTON, Jan. 8.—Little doubt was held here but that the admission tax and other temporary levies would be continued after the recommendation to this effect in President Roosevelt's annual budget message. However, Representative Doughton, N. C., chairman of the House Ways and Means Committee, said that action on the President's tax recommendations would be held in abeyance until the Treasury has had an opportunity to study income returns which are to be filed by March 15.

Indications are that the Committee also is hopeful that some of the annual appropriation bills will have been enacted by that time. This would permit determination of whether Congress is going to cut the President's recommendations for expenditures.

Hope is being voiced in some quarters that no new levies will be needed to raise the $432,000,000 asked for by the President.

RKO Managers Hold Two-Day Sales Meet

Two day meeting of RKO district managers wound up yesterday at the Waldorf Astoria after planning campaigns for four early releases, "Gunga Din," "The Great Man Votes," "Love Affair" and "The Castles." George Schaefer, operating head of RKO, addressed the meeting which was attended by about 40 persons.

District managers included Nat Levy, J. H. MacIntyre, W. E. Branson, H. M. Lyons, S. M. Sachs, H. C. Cohen and L. M. Devaney. Jules Levy, general sales manager, Harry Michalson, short subjects manager, Cresson E. Smith, western and southern sales manager, E. L. McEvoy, eastern and Canadian sales manager and Bob Wolff, of the New York exchange were also present. From the home office were Ned E. Depinet, S. Barret McCormick, W. H. Clark, A. A. Schubart, W. J. McShea, Leon Bamberger, James A. Clark, Sid Kramer, M. G. Poller, William E. Dahler, Lou Miller, Harry Gittleson, L. E. Gaudreau, Ralph Rolan, Rutgers Neilson, E. J. Smith, Jr., Jack Level, Phil Barbanell, Phil Reisman, B. D. Lion, R. M. Hawkinson and M. Hoffay.

Radio on Page 8

Talent Unions Plan Anti-Tax Measures

Talent unions are considering a move to seek amendments to the tax laws, from Congress, their purpose being to alleviate heavy income tax payments by actors and actresses, and social security payments. Present plans are for Frank Gillmore, president of the Associated Actors and Artistes of America, to go to Washington this week to confer with Senator Robert F. Wagner concerning the proposed measures.

Statement by Hill On Odeon-Gaumont Revives Deal Talk

LONDON, Jan. 8.—Revival of the proposed Odeon-Gaumont deal was foreshadowed in a statement by Philip Hill to the effect that Odeon proposed offering to purchase Gaumont ordinaries and also was negotiating for purchase of the Ostrer holdings. It is believed, however, that no formal offer is possible until March or April.

Arthur Rank and Leslie Farrow have joined the Odeon board. Odeon is arranging to purchase the 82 theatres managed by them at a price tentatively put at $5,000,000.

KORDA TO PRODUCE CHIEFLY ON COAST

Annual Convention Of Variety Clubs in Detroit, April 21

Fifth annual national convention of the Variety Clubs will be held April 21 to 23 at the Book Cadillac Hotel. Detroit Tent No. 5 will be host.

Jack Flynn, M-G-M district manager at Detroit, is general chairman, assisted by a large committee. H. M. Richey, director of theatre relations for RKO and a past Chief Barker of the Detroit Club, is lining up the eastern delegation.

The general committee includes also: E. C. Beatty, William Carlson, Edgar E. Kirchner, Frank J. Downey, David M. Idzal, George W. Trendle, Charles C. Perry, David E. Newman.

Sub-committee chairman are: hotel reservations, E. E. Kirchner, welcoming and reception, C. H. Merritt; transportation, Harold C. Robinson; program, William Flemion; entertainment, William Carlson; banquet arrangements and table reservations, Frank Downey; speakers and honnored guests, C. C. Perry, William Carlson; publicity, Warren Slee, temporary chairman; finance, E. E. Kirchner; decorations, Elmer Kiehler.

Series of U. A. Meetings Begin in Hollywood This Week

Advices from London indicate that Alexander Korda, hereafter, with the approval of his bankers, and at his own request, may concentrate most of his production activity in America. This would mean that in the future, except for quota product to be produced by London Films, and the new Fairbanks-International (Albion) unit, all of the United Artists product will be made in Hollywood.

It is understood that Korda, for some time, has been anxious to be relieved of his manifold business operating duties so that he can concentrate on production activities. His London bankers have agreed to this and are cooperating to the fullest financial limit in this respect.

Korda is managing director of London Films.

Two Films Yearly

London's indications are that Korda will make at least two films yearly here for U.A. release.

His first film may be "Thief of Bagdad," with Jon Hall, Sabu and an American actress. Another film will be made with Merle Oberon.

By far the biggest array of United Artists executives will congregate in Hollywood this week for new season product conferences, a stockholders' meeting on Jan. 12, and possibly also a meeting of the board of directors. All of the U. A. producers, their busi-

(*Continued on page 4*)

Para. Arranging $5,000,000 Loan to Retire Debentures

Bank loans, aggregating more than $5,000,000, are being arranged through Paramount subsidiaries in New England and Chicago, for purposes of retiring an amount of the company's remaining $9,000,000, 6 percent debentures. California banks may be included in the transaction.

The new money is at low rate of interest, probably under 4 percent. Paramount is understood to have one of the strongest cash positions in the trade, perhaps reaching as high as $15,000,000, and which may be even more greatly enhanced by the new loans, which are direct credit loans.

Paramount's fourth quarter earnings by present Wall Street estimate is put at above $2,000,000.

How or when the bonds are to be retired is now being considered by Paramount's financial experts. This plan to retire these bonds is understood to have been conceived by Barney Balaban, president of the company.

There have been reports that the company is intending to retire fully $5,000,000 in bonds. Eventually the firm would retire the entire remaining issue. The board of directors meets in New York Jan. 26 to consider the project.

How much of the bonds will be retired immediately is not known. Whether it will be $1,000,000 or $3,000,000 or $5,000,000 or even more cannot be indicated until after the board meeting. The company has had some Treasury bonds amounting to approximately $500,000. These also may be turned in.

N. Y. Allied to Hold Buffalo Meet Today

First of three regional meetings by New York Allied will be held today at the Statler Hotel, Buffalo. Others are scheduled for Jan. 23 at the Ten Eyck, Albany, and Jan. 25 at the Syracuse Hotel, Syracuse.

The three units are to elect regional vice-chairmen at the meetings. Organizational and legislative matters will be discussed.

The New York Allied today is one of the most important exhibitor units of the country having a membership of 182, under the leadership of Max A. Cohen. This importance was indicated at a meeting of Allied at Buffalo some weeks ago at which there were more than 20 representatives of the major companies present including William F. Rodgers, sales chief of Metro, and William Sussman of 20th-Century-Fox.

Purely Personal

NICHOLAS M. SCHENCK, president of M-G-M, and WILLIAM F. RODGERS, general sales manager, are due today from a week's trip to the coast. HOWARD DIETZ, advertising and publicity head, is also due today from studio conferences.

•

JAMES F. PATTINSON, assistant British sales manager for 20th Century-Fox, and EDWARD COHEN, Ecuador manager, are observing operations at the Philadelphia and Washington exchanges.

•

CHARLES PEDEN and JOHN BOCKHORST, News of the Day crew which covered the Lima conference, return today on the *Santa Maria*. EDWARD TOMLINSON, radio commentator, also returns.

•

RAY MILLAND, who sailed last month for a European vacation, will arrive Wednesday on the *Paris*. He will proceed to Hollywood to start work in "Beau Geste."

•

NORMAN H. MORAY, Vitaphone sales manager for Warners, was host on Friday at a luncheon for the trade press at the home office.

•

HARRY G. BALLANCE, 20th Century-Fox southern district manager, has been married to MARTHE WALL of Atlanta.

•

J. EDWARD BROMBERG has returned to Broadway theatrical work after two years on the coast, his last film being "Jesse James."

•

CHARLES HOFFMAN'S magazine story, "It Could Happen to You," has been purchased by 20th Century-Fox.

•

GEORGE PALMER PUTNAM has sold his Rye estate to DEAN BABBITT, president of Sonotone.

•

HOWARD S. CULLMAN, former Roxy trustee, has been reelected vice-chairman of the Port of N. Y. Authority.

•

MR. and MRS. BOB HOPE have left Hollywood for Palm Springs on the first vacation they have had together in a year and a half.

•

BOB GROSSMAN, assistant to ARTHUR GOLDSTEIN at the Avon in Providence, is back at work after a vacation.

•

STANTON GRIFFIS returned to New York yesterday from a vacation in Florida.

•

JAKE MILSTEIN of EDWARD SMALL'S New York office left for the coast over the weekend.

•

EDWIN KNOPF of M-G-M's coast story department is in town.

•

JOSEPH SCHENCK is at Palm Springs. He may come east in a few weeks.

•

ED KUYKENDALL arrived in New York yesterday.

Insiders' Outlook

By SAM SHAIN

BUSINESS in the downtown theatres of Washington was off approximately 30 percent between noon and three o'clock on the day when President Roosevelt addressed Congress. According to theatre men's check of the "F" Street boxoffices, there were ten thousand regular matinee patrons who stayed away from houses and had their ears glued to the radio loudspeakers.

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In Milwaukee 24 theatres affiliated with the Independent Theatres Protective Association of Wisconsin advised their county law enforcement officials that they will discontinue games of chance providing that churches, fraternal and beneficent societies also halt the games.

"For moral, ethical and sound business reasons, we would like to see chance games entirely eliminated from the city and county of Milwaukee. We insist laws be enforced impartially by public officials," a resolution declared. Operation of lotteries or games of chance are prohibited by city and state laws.

▼ ▼

State Senator Gordon Klemgard of Washington, a wheat farmer from Palouse, is going to take sound motion pictures in color of the Washington State Legislature in session in Olympia some time this month. Klemgard's hobby is photography. He is a conservative, and his reasons for taking these pictures of the legislature, which is presided over by Lieut.-Gov. Vic Meyers, Seattle orchestra leader, are: "If the voters could see recorded on the screen the antics of some of the men they send to represent them in the legislature, and if they could hear some of the speches which are made, there might be a general housecleaning at election time."

▼ ▼

Just for the record—a three-judge Federal Court at Milwaukee issued a permanent injunction restraining Wisconsin officials from enforcing the state's 1935 statute prohibiting the designation by distributors of preferred playing time in their exhibition contracts. A temporary injunction has been in force heretofore.

Seven major distributors were complainants in the action. The court ruled the statute void in that it deprived distributors of rights accorded them by the Federal Copyright laws.

▼ ▼

Charles Skouras is a firm believer in concilliation. Before leaving for Europe on Saturday, he talked about the successful conciliation scheme set up on the West Coast to settle disputes between Fox West Coast and independents. A three-member board is in operation, with the cooperation of the I.T.O. of Southern California.

20th-Fox Putting Up 3 Branch Buildings

New branch buildings are being constructed by 20th Century-Fox, in Chicago, Milwaukee and Seattle. They will be opened in the spring or early summer. The Chicago building will be located in the new film district and is scheduled for opening in June. The others will be ready in April or May.

New branch buildings are contemplated for Albany, Cincinnati and Indianapolis. Los Angeles and Detroit exchanges are to be air conditioned this spring. Work is under the direction of E. H. McFarland, construction engineer.

Entertainment Night Ruled Conn. Lottery

TERRYVILLE, CONN., Jan. 8.—Ruling that Entertainment Night comes under the state laws against lotteries, Judge Origen S. Seymour of the Court of Common Pleas dismissed the breach of contract suit brought by Reviewers, Inc. against J. W. Faith, operator of the Mayfair here. The decision was based on a ruling by the Supreme Court of Errors in a Bank Night test case.

The complaint sought a $240 balance allegedly due under a contract with the copyright holders.

Book WHN Refugees In Fay's, Providence

The entire troupe of the WHN Refugee Theatre of the Air has been booked by Ed Fay for a week's engagement at Fay's Theatre, Providence, starting Friday. The booking is the first theatrical engagement for the group of 15 performers, all of whom are refugees from persecuted European areas.

Although engaged only in radio work on WHN heretofore, members of the troupe are professionals and are available for theatre bookings.

Warners' Product Meeting Postponed

Meeting of Warner east and west coast executives on the 1939-'40 production program has been indefinitely postponed. Eastern officials, headed by Gradwell L. Sears, sales head, may make the trip next month. Sam E. Morris, foreign chief, may go to the coast earlier.

Raise $67,500 in Drive

CHICAGO, Jan. 8.—Amusement Division of the Jewish Welfare Fund here raised $67,500 at a meeting of exhibitors. The division quota is $100,000.

Columbia's Annual Drive Opens Today

Columbia's annual sales drive gets under way today and continues for 10 weeks through March 18. The drive has been designated "Columbia's Personal Achievement Campaign" on behalf of the individual sales personnel in the field.

Al Seligman, accessories sales manager, leaves today on a tour of the company's eastern exchanges, where he will assist with plans for launching and carrying on the sales drive. He will be away about four weeks, visiting the New Haven, Boston, Albany, Buffalo, Cleveland, Pittsburgh and Philadelphia exchanges.

Hutchinson to Coast For Product Parleys

Walter J. Hutchinson, director of foreign distribution for 20th Century-Fox, leaves next weekend for studio conferences on new season product with Darryl F. Zanuck. Attending the meetings will be Benjamin Miggins, managing director for Continental Europe, and F. L. Harley, British chief.

Robert T. Kane, chief of the company's production in England, is now conferring at the studio on the English program.

Weisman Is Granted Six-Month Extension

Circuit Court Judge Martin T. Manton has signed an order authorizing Milton C. Weisman, as receiver of the Fox Theatres Corp., to continue business for the further period of six months from Jan. 12, 1939. The order also empower Weisman to affirm or disaffirm contracts of the Fox Theatres during that period.

Marino Moves Office

Sam Marino, producer of one-reel sport subjects, has moved his headquarters to 723 Seventh Ave. Marino will start shooting on two new subjects, "All Girl Football Team" and "Riding Habit," at the end of the month. They will be distributed by Philip Lewis of American Trading Association.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

BROADWAY IS THAT WAY OVER "ZAZA"



"ZAZA" now packing them in at the N. Y. Paramount with the biggest business in six months! . . .

Paramount Pictures

20th-Fox '38 Gross Tops $56,172,192 Done by Firm in '37

Twentieth Century-Fox gross business in 1938 exceeded the $56,172,192, done by the firm in 1937. Exact figures are not obtainable as the final returns are not yet in.

Four sales conventions are scheduled. The first will be in Chicago, April 15 to 17, with Herman Wobber, general sales manager, presiding. S. R. Kent, president; Walter J. Hutchinson, foreign chief, and Wobber will attend the Continental European convention in Paris, May 4 to 6, and the annual meeting of the British organization in London, May 11 to 13.

The company's first South American sales conference will be held in Rio de Janeiro, tentatively scheduled for June 1 to 3, Kent and Hutchinson will attend. They would return to New York June 27.

There is a possibility that a Central American meeting may be held at Trinidad, which Kent and Hutchinson might attend also. The visit of the executives to South America will serve to consolidate plans for expansion and study in that territory to meet native demands for good entertainment.

McNinch Will Hold Job as FCC Head

WASHINGTON, Jan. 8.—Chairman Frank R. McNinch will be retained at the head of the Federal Communications Commission for an indefinite period, President Roosevelt has indicated.

Reports that McNinch, originally from the Federal Power Commission, shortly would return to his former position, prompted the question as to the President's plans. McNinch will will remain in charge of the radio commission, it was indicated, until the situation which prompted his appointment has been cleared up.

Meanwhile, legislation calling for an investigation of the F.C.C. and of alleged monopoly in broadcasting will be introduced, probably next week, by Representatives Wigglesworth and Connery of Massachusetts.

Declaring the monopoly investigation now being conducted by the F.C.C. has proved nothing, Connery declared the only way the situation will ever be sifted is through a House inquiry. Connery and Wigglesworth were prominent in the effort to investigate the F.C.C. last session, originally proposed by the former's brother, the late Representative William P. Connery.

Warners Extend Pact

HOLLYWOOD, Jan. 8.—Warners have given Geraldine Fitzgerald an extension of her contract. She gets the feminine lead opposite Pat O'Brien and Frank McHugh in "Three Cheers for the Irish."

Columbia Sets Dividend

Columbia Pictures Corp. has declared a quarterly dividend of 68¾ cents per share on the $2.75 convertible preferred stock, payable Feb. 15 to stockholders of record Feb. 1.

Paris Houses Open After 3-Day Strike

Paris, Jan. 8.—After a three-day strike Paris cinemas reopened Saturday after Vice-Premier Camille Chautemps intervened. He asked the industry delegates to consider the problem nationally and its effect on Paris life. Chautemps says that exhibitors agreed to reopen pending the result of an investigation into the tax situation which caused the strike.

Korda to Produce Chiefly on Coast

(*Continued from page* 1)

ness representatives, headed by Maurice Silverstone, operating head of the company, are now on their way to the coast.

Among the matters to be discussed will be a new deal with Selznick International.

Additional to Maurice Silverstone, company head, there will be in Hollywood, for these sessions, all of the U.A. producers, their attorneys and their representatives, including those of Alexander Korda and Douglas Fairbanks and Charles Chaplin.

James Mulvey, eastern head of the Goldwyn office; Emanuel Silverstone, business representative of Alexander Korda; James Roosevelt, vice-president of Samuel Goldwyn, besides J. J. Milstein, business representative of Hal Roach, have gone to the coast.

Richard Dwight, of Dwight, Harris, Koegel and Caskey, attorney for Goldwyn, also has gone to the coast for the meeting.

Roosevelt left by plane Sunday. Emanuel Silverstone left on Saturday, by train. Maurice Silverstone, company head, left Friday, by train.

New York and California banks have indicated to their respective United Artists producer clients their willingness to finance the respective films of these producers. The Bank of America is one.

Has British Backing

This is in addition to financing furnished to Korda by London interests, and to Fairbanks and his associates, also by British interests. While exact figures are unobtainable at this time, the estimate of the aggregate financing to be accorded these producers is $20,000,000 to meet the fullest requirements of the Hollywood men.

Broken down, two important California banks are providing the financing for Goldwyn and for Hal Roach. Goldwyn's requirements may run to about $7,000,000. Hal Roach's requirements are understood to be in the neighborhood of $4,500,000.

In New York, the Guaranty Trust Co. has provided financing for Edward Small productions. It also furnished the means by which Count and Countess Von Keller's "World Windows," short subject series, are to be financed

The coming year, under the operations of Maurice Silverstone, will see the greatest number of producers the United Artists roster has had so far. It includes Charles Chaplin, Alexander Korda, Samuel Goldwyn, David Selznick, Walter Wanger, Hal Roach, Edward Small and Douglas Fairbanks.

Some of the financing matters are still to be smoothed out and likely to be concluded during the big conclave of United Artists officials in Hollywood.

At present the company is without a president. The company reins are held by Maurice Silverstone, general manager, with the fullest authority. Election of a president other than Silverstone, under the by-laws of the company, can be had only by unanimous consent of the stockholders.

Harry Gold, Jack Schlaefer and Harry Buckley remain in charge of the east while Silverstone is on the coast.

Spokane Houses Pay Licenses Quarterly

SPOKANE, Wash., Jan. 8.—Theatre operators, pleading poor business during the past year, won the right from the City Council to pay their annual licenses on a quarterly basis. The grant carried the stipulation that if the installments are not paid on time, the entire yearly fee becomes due immediately.

J. J. Rosenfield, city manager of Evergreen Theatres, told the council the city fee was too large. "The fee charged in Spokane is far in excess of any city its size in the United States," he said.

Columbians Annual Dance

The Columbian Club, organization of Columbia employes, will hold its ninth annual dance Saturday, Feb. 25, in the grand ballroom of the Waldorf-Astoria. Lillian Stark is president of the club.

Fairbanks Tells Plans

Douglas Fairbanks plans to star Fairbanks, Jr., in three specials which the former will produce and direct for Albion Films, Ltd., his new company, Fairbanks, Sr., indicated on his arrival here Friday on the *Washington,* accompanied by Sir Adrian Baillie, his associate.

Details for the first film will be completed with Montagu Marks, general manager of Albion, who has been on the coast several weeks, preparing for the start of operations, awaiting Sir Adrian and Fairbanks.

Fairbanks and Baillie conferred with John Hay Whitney, chairman of Selznick International, on Saturday. Whitney was scheduled to accompany Fairbanks and Sir Adrian when they left for the coast by train yesterday, in order to continue the discussions.

Fairbanks International will use the S. I. studios in Hollywood, on terms by which S. I., in return, acquires an equity in Fairbanks International. No cash is involved.

Albion Films, Ltd., the parent company of Fairbanks International, plans six films a year for release in the British Empire, in addition to the large budget films planned by Fairbanks. The Empire films will cost about $150,000 each, for British release through United States.

"The Californian" has been shelved as the first Fairbanks film. "The Tenth Woman" will be the first to go before the cameras, in Hollywood. The second to be made at Denham studios in London, probably next summer, will be "The Three Musketeers." The third may also be made in London.

Asher Denies Quota Cause of Reducing British Production

Irving Asher, London Films associate producer, scouted reports from London that the new quota has had the effect of reducing British production. Arriving from abroad on the *Washington* Friday, Asher ascribed the slump to the recent European crisis. Activity is being resumed, he said, and British production will stage a comeback in a few months.

Asher may make four triple quota films for Columbia in 1939-'40, at Denham, on an extension of the contract under which he made two films for Columbia last year.

He conferred with Jack Cohn on Saturday and left yesterday for the coast to set the program with Harry Cohn, president. He will also confer with Alexander Korda, London Films production head. Asher expects to be on the coast about a week.

Columbia's first British film made by Asher was "Q Planes," which may be retitled, especially for the U. S.

Asher's contract with London Films, made last year, has one and a half years to run. He said there are no plans for him to make Paramount quota films, as he is loaned to Columbia for its program.

Dismiss Bank Night Suit in Kansas City

KANSAS CITY, Jan. 8.—Judge Brown Harris of the Circuit Court here dismissed the test suit against R. W. McEwan, Bank Night distributor. The case was filed May, 1936, by the prosecutor's office. In June, 1936, Judge Mario D. Waltner of the Circuit Court held that Bank Night was not a lottery and sustained a demurrer. The prosecutor's office appealed to the State Supreme Court. Last year the court reversed Waltner's opinion. McEwan's attorneys filed for a rehearing, but this recently was denied.

This winds up the theatre game here and in Missouri. It has not been used by exhibitors for a year or two.

Laganas, Newcomer, Takes Over Standard

HOLLYWOOD, Jan. 8.—George Laganas, Boston shoe manufacturer and a newcomer to the motion picture business, has taken over the presidency of Standard Pictures and its distributing company. He succeeds Barry Richards as president, and others replaced in the change are Harvey Leavitt, general manager, and Charles B. Taylor of the board of directors. Laganas also is treasurer of both corporations and Mrs. Laganas is secretary. Richards and Leavitt will remain until the first of a series of "radio reporter" pictures is made.

Heads Ball Committee

WASHINGTON, Jan. 8.—Nelson B. Bell, *Washington Post* drama editor, has been named chairman of the President's Birthday Bal Committee on entertainment. Vice-chairmen for the night of Jan. 30 will be John J. Payette of Warners, Carter Barron of Loew's, Hardie Meakin of Keith's, and Gene Ford, production manager at the Capitol.

INSTANT ACCEPTANCE

NEVER before have new negative materials been as enthusiastically received... as quickly put to use... as Eastman's three latest motion picture films. Fast, fine-grained *Plus-X*, for general studio work... high-speed *Super-XX*, for all difficult exposures... ultra-fine-grained *Background-X*, for backgrounds and all-round exterior work... Typically *Eastman* in uniformity and photographic quality, these films have won instant acceptance in the industry. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X*... *Super-XX*... *Background-X*

'Sweethearts' Is Pittsburgh High, $27,500

PITTSBURGH, Jan. 8.—As grosses generally revived here, "Sweethearts" took the honors, comparatively, with $27,500 at the Penn. The Stanley, with "The Young in Heart" on the screen, and Bob Crosby's band and Stan Kavanaugh on the stage, was very strong at $29,100.

Gross at the Alvin responded handsomely to the appearance of Jane Withers and a revue on the stage, tallying $17,200.

Etimated takings for the week ending Jan. 5:

"Blondie" (Col.)
ALVIN (1,800) (25c-50c) 7 days. Jane Withers and revue on stage. Gross: $17,200. (Average, $6,000)
"Children of the Wild"
FULTON (1,750) (25c-40c) 7 days. Gross: $2,050. (Average. $2,500)
"Sweethearts" (M-G-M)
PENN (3,450) (25c-50c) 7 days. Gross: $27,500. (Average, $15,000)
"Freshman Year" (Univ.)
"Smashing the Spy Ring" (Col.)
SENATOR (1,800) (25c-40c). Gross: $2,900. (Average, $3,000)
"The Young in Heart" (U. A.)
STANLEY (3,650) (25c-60c) 7 days. Bob Crosby's Band, Stan Kavanaugh on stage. Gross: $29,100. (Average, $21,000)
"Out West with the Hardys" (M-G-M)
WARNER (2,000) (25c-40c). Gross, $9,200. (Average, $5,800)

'Kentucky' Clocks $14,000, Cincinnati

CINCINNATI, Jan. 8.—"Kentucky" led the field last week, racing through to $14,000 at the RKO Palace.

"Annabel Takes a Tour" plus "Jambola Revue" on the RKO Shubert stage, brought $13,000, and "Artists and Models Abroad" was good for $12,500 at the RKO Albee. The other houses started the new year with nice returns.

Etimated takings for the week ending Jan. 5:

"Artists and Models Abroad" (Para.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $12,500. (Average, $12,000)
"Kentucky" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $14,000. (Average, $10,000)
"Annabel Takes a Tour" (RKO)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: "Jambole Revue." Gross: $13,000. (Average, $12,000)
"Sweethearts" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days. 3rd week. Gross: $5,500. (Average, $6,500)
"Newsboys' Home" (Univ.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $4,300. (Average, $6,500)
"Thanks For Everything" (20th-Fox)
RKO GRAND—(1,200) (25c-40c) 7 days. 2nd week. Gross: $2,600. (Average, $2,750)
"His Exciting Night" (Univ.) (2 days)
"Frontier Scout" (G. N.) (2 days)
"Shadows Over Shanghai (G. N.) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,200. (Average, $2,450)
"There's That Woman Again" (Col.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,100. (Average, $6,500)

Refuses to Enjoin 'Glory' Exhibition

Application of Sunray Films, Inc., for an injunction to restrain the exhibition of the film, "The Glory of Faith" by Select Attractions, Inc., Leo Malchin, doing business as French Film Exchange, and Charles Swarzza, doing business as Island Theatre Circuit, has been denied by N. Y. Supreme Court Justice Louis A. Valente. Sunray claimed that the picture competes unfairly with its film, "Little Flower of Jesus."

3 English Councils Will Discuss Films

London, Jan. 8. — Three council meetings next week will consider film matters. On Thursday the Films Council will take up cooperative booking, and may hear pleas for increased quota percentages. On Thursday also the Home Office Consultative Committee will continue its study of non-flam, and on Friday the London County Council will take up various licensing matters on films.

'Sweethearts' Gets $17,000, Providence

PROVIDENCE, Jan. 8.—Strong bills plus midnight shows and favorable weather carried all the first runs here to high grosses. Loew's State led the field with $17,000 on "Sweethearts."

All downtown theatres offered special midnight shows New Year's Eve and New Year's night.

Estimated takings for the week ending Jan. 4-5:

"Sweethearts" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $17,000. (Average, $10,000)
"Thanks For Everything" (20th-Fox)
"While New York Sleeps" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $10,000. (Average, $6,500)
"Newsboys' Home" (Univ.)
RKO-ALBEE—(2,239) (25c-35c-50c) 6 days. Blackstone on stage. Gross: $8,000. (Average, $6,000)
"Paris Honeymoon" (Para.)
"Storm Over Bengal" (Rep.)
STRAND—(2,100) (25c-35c-50c) 6 days. Gross: $9,000. (Average, 7 days, $7,000)
"Up the River" (20th-Fox)
FAY'S—(1,800) (25c-30c-40c) 7 days. Vaudeville. Gross, $8,000. (Average, $7,000)
"Wanted By The Police" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Vaudeville. Gross: $7,500. (Average, $3,000)
"Brother Rat" (W.B.)
"Nancy Drew, Detective" (W.B.)
CARLTON—(1,526) (25c-35c-50c) 7 days Gross: $4,000. (Average, $3,500)

'Hardys' Get $4,000 In Oklahoma City

OKLAHOMA CITY, Jan. 8.—In a week of only fair business, "Out West with the Hardys" took the lead, scoring $4,000 at the Tower. The rest of the houses slid over the averages for slight gains. Weather below freezing was of little help.

Estimated takings for the week ending Dec. 30:

"Sweethearts" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,800. (Average, $5,200)
"Garden of the Moon" (F. N.)
"Lawless Valley" (RKO)
LIBERTY—(1,200) (20c-25c-30c) 7 days. Gross: $2,600. (Average, $2,500)
'Kentucky" (20th-Fox)
MIDWEST—(1,560) (25c-35c-40c) 7 days. Gross: $4,700. (Average, $4,500)
"Down in Arkansas" (Rep.)
STATE—(1,100) (25c-40c) 9 days. Gross $4,000. (Average, $3,500)
"Out West with the Hardy's" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $2,500)

Providence Parents Plan Children Show

PROVIDENCE, Jan. 8. — Parents' League of Providence, blue stocking organization, is sponsoring special programs for children Saturday morning at Avon. "Walt Disney Academy Award Revue" and sports shorts were first used. If the idea catches on, Parents' League will sponsor a monthly program for children.

UMPTO Reelects Pizor as President

PHILADELPHIA, Jan. 8.—Lewen Pizor has been reelected president of the United Motion Picture Theatre Owners. Other officers reelected were George P. Aarons, secretary; Charles Segall, chairman of the board; Morris Spiers, treasurer; Ed Jeffries, first vice-president; William Greenfield, second vice-president.

In addition board members reelected include Abe Sablosky. Sam Shapiro, Herman Coane, Ted Schlanger, Bud Hissner, Mike Egnal, Ray O'Rourke, Joe Hebrew, C. Floyd Hopkins, Harry Waxman, Ed Connelly, Sam Stiefel, Henry Friedman, Joe Wodock, Ben Shindler, Ralph Sobelson, Lew Segall, Mike O'Toole, Oscar Stiefel, Morris Stiefel, George Lessey, Thomas Brislen, R. J. Budd, John Monroe, Leo Posel, M. B. Ellis.

Four Women Fliers In "Tail Spin" Tour

Twentieth Century-Fox will stage a "Tail Spin" tour to exploit the film, which opens at the Roxy Feb. 10. An air tour covering 12,000 miles by four leading women fliers, traveling in two groups, will start in Los Angeles Jan. 28 and wind up in New York Feb. 7. Stops will be made at 19 cities en route for receptions.

On the night of Feb. 9 the fliers, Ruth Nichols, Betty Huyler Gillies, Margo Bain Tanner and Cecile "Teddy" Kenyon, will be guests at a dinner at the Waldorf-Astoria for 250 members of the press, aviation notables and military services. Among the speakers will be Dick Merrill, D. W. "Tommy" Tomlinson and Blanche Noyes, U. S. civil aviation authority. A showing of "Tail Spin" will follow.

The fliers will be accompanied by Bill Chambliss, assistant to Marc Lachmann, 20th Century-Fox exploitation manager, and Jim Johnson of the advertising department. They will leave for the coast Jan. 17. The flights will be made in transport planes.

Consent to Election For Studio Readers

HOLLYWOOD, Jan. 8.—Major producers' attorneys have agreed, without waiving their rights, to a consent election to be held under National Labor Relations Board auspices among the readers at the lots to determine if the Screen Readers' Guild should be declared collective bargaining agency for them.

The S.R.G. recently filed a petition seeking the position, and at a conference between Guild representatives and attorneys for the studios with Dr. Towne Nylander, regional N. L. R. B. director, the agreement was reached. However, it was stipulated that the studios do not waive their rights to challenge the jurisdictions of the board.

Condor Hearing Feb. 6

HOLLYWOOD, Jan. 8.—Attorneys for two groups of creditors of Condor Pictures, Inc., have been given until Feb. 6 to present definite plans and arguments for either liquidation of the company's assets at once, or reorganization to conserve what assets may be worked.

Para. to Produce 58 Features for 1939-'40 Season

ST. LOUIS, Jan. 8.—Paramount will produce 58 features for the 1939-'40 season, Neil F. Agnew, vice-president in charge of distribution, told the mid-year meeting of the company's district managers at the Coronado Hotel here today.

Next season's production budget has been set tentatively at $25,000,000, Agnew said.

Discussing the forthcoming product for the balance of the current season, Agnew reported that 12 of the company's more important pictures of the year will be released during the next five months. In addition, he named 19 other features which are either in preparation or scheduled for early starts, making a total of 31 productions for release during the balance of the current season. Completion of the remaining 31 features will give Paramount a total release list of 60 features for 1938-'39.

"Zaza" heads the list of new releases, followed by "Paris Honeymoon," starring Bing Crosby; "St. Louis Blues," with Dorothy Lamour; "Cafe Society," with Madeleine Carroll, Fred MacMurray and Shirley Ross; "The Beachcomber," with Charles Laughton and Elsa Lanchester; "Hotel Imperial," with Isa Miranda and Ray Milland; "Never Say Die," with Bob Hope and Martha Raye; "I'm From Missouri," with Bob Burns; "The Lady from Kentucky," with George Raft and Ellen Drew; Cecil B. DeMille's "Union Pacific," with Barbara Stanwyck and Joel McCrea; "Midnight," with Claudette Colbert and Don Ameche, and "Man About Town," with Jack Benny and Dorothy Lamour.

Additional titles listed were "Beau Geste," with Gary Cooper; "The Gracie Allen Murder Case," "The Light That Failed," "Wife Under Contract," "The Cat and the Canary," "Air Raid," "Are Husbands Necessary?" "Navy Nurse," "Lady Eve," "The Star Maker," with Bing Crosby; "Knights of the Round Table," "The Amazing Marriage," "Invitation to Happiness," "The World's Applause," "Follow the Sun," "Lives of a Texas Ranger," "Disputed Passage," "Untamed" and "What a Life."

The meeting, which is attended by a group of home office executives in addition to the district managers, is scheduled to wind up Monday.

Universal Sets Four Serials for '39-'40

HOLLYWOOD, Jan. 8. — Universal plans four serials for the 1939-'40 season. First of the chapter plays, "The Oregon Trail," will start in February with Henry MacRae producing. It will star Johnny Mack Brown.

"The Shadow Creeps," mystery detective story; another "Buck Rogers" story, "Conquering the Universe," starring Larry Crabbe, and "Perils of Haunted Island," an adventure story featuring boy players, are the others. They will run from 12 to 15 chapters each.

G. N. Changes Title

HOLLYWOOD, Jan. 8.—Grand National has changed the title of "A Lady Goes Wrong" to "Everything Happens to Ann."

FAME

The AUDIT of PERSONALITIES

off the press

The fifth annual edition of the international reference authority on talent values is off the press.

The box office champions of 1938 are presented with complete analysis and personnel credits—the money making stars of the season evaluated and reported upon by the exhibitor showmen of the world.

The radio champions of 1938 as polled by MOTION PICTURE DAILY among the editors of the daily newspapers of America.

Edited by **TERRY RAMSAYE**

QUIGLEY PUBLICATIONS

ROCKEFELLER CENTER, NEW YORK

Blackett-Sample-Hummert Top Air Agency

CBS $27,345,397 Gross for 1938 Is Shared by 83 Companies

During 1938, CBS sold $27,345,397 of network time to 83 firms and a number of political campaign committees. More than $1,000,000 each was spent by 10 advertisers. Lever Bros. Co. and General Foods Corp. paid slightly more than 20 per cent of this total between them.

Lever Bros. used $2,790,141 of the gross billings for four products, Rinso, Lux, Spry and Lifebuoy. General Foods was close behind with $2,720,386. This amount was distributed between 10 products. Largest amount spent on one product was $1,241,705 for chewing gum programs by William Wrigley, Jr., Co.

Foods Billings Lead

Foods and food beverages, with gross billings of $6,596,827 contributed most to the CBS total. Drugs and toilet goods with $5,773,504 were next. Other totals were, tobacco, $4,969,474; house supplies, $3,077,079; automotive, $2,976,346; confectionery and soft drinks, $1,676,051; lubricants and fuel, $993,909; radios, $237,875; financial, $214,143; beer, $192,750; shoe cleaners, $174,049; silverware, $85,095; political, $52,803; machinery, $43,405; travel, $10,450; building materials, $5,827; miscellaneous, $265,810.

Other large users of time, besides Lever Bros., General Foods and Wrigley were Colgate-Palmolive-Peet Co., $1,779,439; Procter & Gamble Co., $1,310,707; American Tobacco Co., $1,283,826; Liggett & Myers Tobacco Co., $1,118,355; Ford Motor Co., $1,052,285; Chrysler Sales Corp., $1,003,612; R. J. Reynolds Tobacco Co., $1,000,184; Campbell Soup Co., $713,788; Continental Baking Co., $650,260; P. Lorrilard Co., $644,905; Pet Sales Milk Corp., $594,013; General Mills, Inc., $557,035; Philip Morris & Co., Ltd., $463,380; U. S. Tobacco Co., $435,120; and Texas Co., $405,265. Smallest payment for network time was $360 by the Refrigeration and Air Conditioning Institute.

General Foods Highest

In the food field, General Foods Corp. led with $2,420,866 in billings. For Huskies, $693,826 was spent; Swansdown and Calumet, $679,385; Postum, $450,159; Sanka Coffee, $261,091; the remainder was divided between three other products, Post Toasties, Minute Tapioca and Diamond Salt. Campbell Soup paid $713,788 for its canned products; Pet Milk Sales Corp. used $594,013 in time for Pet Evaporated Milk.

Colgate-Palmolive-Peet Co. used $1,246,726 in time to lead the drug field. It was divided between Palmolive Soap, $515,443; shaving cream, $368,128; dental products, $363,155. Lux Toilet Soap, $739,757, and Lifebuoy, $376,350 made up the $1,116,107 paid by Lever Bros. in this field.

American Tobaccos Big

In tobacco, the American Tobacco Co. led with $1,283,826. Lucky Strikes used $1,112,343; Roi Tan Cigars, Cigars, $88,458; and Half and Half Tobacco, $83,025 made up this sum. Liggett & Myers Tobacco Co. paid $1,118,355 for Chesterfields and Granger. In third place was R. J. Reynolds Tobacco Co. with $1,000,184 for Camels and Prince Albert.

In house supplies, Lever Bros. paid $1,116,132 for Rinso programs. Procter & Gamble Co. paid $688,645 to advertise Oxydol, $389,247; Chipso, $246,732; and Dreft, $52,666. Colgate-Palmolive-Peet paid $532,713 for Super Suds programs.

Ford Paid $1,052,895

Ford Motor Car Co. paid $1,052,895 for Ford, Lincoln and Zephyr programs. Chrysler Sales Corp. used $1,003,612 in time for Chrysler, Dodge, DeSoto and Plymouth cars.

Next to Wrigley chewing gum, the Coca Cola Co. paid the largest amount, $358,940, in the confectionery and soft drink field. Texas Co. paid $405,265 for gas and oil programs and Gulf Refining paid $399,960. Radios were in eight place, with the Philco Radio & Television Corp. paying $129,360 and Zenith Radio Corp. paying $108,515. Household Finance Corp. used $208,320 in time to advertise personal loans.

Brewers' Radio Show Assn. paid $192,750. Griffin Manufacturing Co. used $174,049 in time for shoe cleaners. In the miscellaneous column is found E. I. Du Pont de Nemours with $250,455 for an institutional advertising campaign.

Scophony Balance Sheet Shows Gain

LONDON, Jan. 8.—Scophony, Ltd., television marketing group, spent £38,485 (about $190,000) on technical development in the last financial year. This compares with £36,365 (about $180,000) in the previous year.

The balance sheet shows a rise in cash from £24,302 (about $121,000) to £31,435 (about $157,000). The sum of £3,196 (about $16,000) has been advanced to the subsidiary Scophony Electrics, for development, making the total advance to that company £4,832.

CBS Names Kemp Coast Sales Head

Arthur J. Kemp has been appointed sales manager of the Pacific Coast Network of CBS. His headquarters will be in San Francisco.

Kemp joined CBS in July, 1936, serving KNX, Los Angeles, at that time.

King Leaves Nazi Talk Row to CBC

MONTREAL, Jan. 8.—Premier MacKenzie King at Ottawa has received complaints on the New Year's Day address of Karl Dannenberg, head of Nazi Party in eastern Canada, over CKAC, in which Hitler was lauded, but has disclaimed any authority in the matter.

"The affair is entirely in the hands of the Canadian Broadcasting Corp.," King declared. Dr. Eric Windels, German Consul General in Ottawa, has read the speech and, approving it, said there is no cause for controversy. The station admitted that the speech was not read before the broadcast, and CBS is expected to take action in the matter.

CBS Gets Reynaud Talk for Thursday

Paul Reynaud, France's Minister of Finance, who has been forced to cancel two previous talks on "France Is Sound" has accepted the Columbia network's invitation to deliver the address Thursday, over WABC and CBS, 6:45 to 7 P.M.

Reynaud was scheduled to make this speech on Sunday, Dec. 4 but France's unsettled labor problems forced cancellation. It was then scheduled for Thursday, Dec. 22, but when broadcast time arrived he was otherwise engaged. Reynaud's talk will originate in Paris.

Settle Action Over "Arbitration" Title

Suit of the Jewish Court of Arbitration, Inc., to restrain the Jewish Radio Service, Inc., Voice of Brooklyn, Inc., also known as WLTH Radio Theatre, and Samuel J. Gellard from broadcasting under the name "Jewish Court of Arbitration" or any other similar title, has been settled by order of N. Y. Supreme Court Justice Louis A. Valente.

Suit had been brought by the plaintiff, claiming exclusive right to the title and charging unfair competition in broadcasts by the defendants over WLTH.

Spent $8,955,633 Wit NBC and CBS in '38; Thompson Second

Five leading advertising agenci placed $28,642,625 of the total busine of $68,808,076 of the two leadin ne works, NBC and CBS, durin 3 Far in the lead was Blackett-Sample Hummert, Inc., which placed $8,955 633 with the two networks. J. Walte Thompson was in second place wit $5,233,158.

Total of 17 agencies placed mor than $1,000,000 each. Three were i the $4,000,000 group, two in th $3,000,000, one in the $2,000,000, an 10 in the $1,000,000 classification.

Agencies Listed

The others and the figures for th two networks were Young & Rubicam Inc., $4,911,066; Benton & Bowle Inc., $4,800,399; Lord & Thomas $4,742,369; Ruthrauff & Ryan, Inc $3,771,548; Compton Advertising, Inc $3,107,788; Ward Wheelock Co., $2, 258,425; Newell-Emmett Co., Inc $1,693,314; Pedlar & Ryan, Inc., $1, 588,185; Batten, Barton, Durstine & Osborne, $1,561,333; Lennen & Mitch ell, Inc., $1,400,687; Wade Advertisin Agency, $1,383,741; N. W. Ayer & Son, Inc., $1,350,691; H. W. Kasto & Sons Advertising Co., $1,245,302 Gardner Advertising Co., $1,099,281 William Esty & Co., Inc., $1,084,659 Stack-Goble Advertising Agency $1,001,999; Blow Co., Inc., $990,044 Roche, Williams & Cunnyngham $972,434; McCann-Erickson, Inc. $836,851; Arthur Kudner, Inc., $785, 449; and Erwin, Wasey & Co., Inc. $707,679.

"Gotham" on Tonight

Opening program of "Gotham Nights" will be heard tonight ove WHN at 8 P. M. Clifton Webb, Hope Williams and Estelle Winwood will do a scene from their forthcoming play, "The Importance of Being Earnest." Also on tonight's program are Greta Keller, Wilma Baard, Leslie North, Don Albert's orchestra and Ed East. Later programs will feature variety acts.

Set NAB District Meet

DENVER, Jan. 8.—Broadcasters in the 14th District of the National Association of Broadcasters, will hold a meeting at the Albany Hotel here Jan. 18 and 19. Present will be broadcasters from Colorado, Utah, Wyoming, Idaho and Montana.

Change "RFD" Time

Irene Beasley's program, "RFD No. 1," over WABC, will change time to 2:15 to 2:30 P.M. Monday through Friday, beginning with the broadcast of Jan. 16.

New Facsimilie Apparatus Demonstrated by Crosley

CINCINNATI, Jan. 8.—Powel Crosley, Jr., president of the Crosley Corp., introduced and demonstrated at a press luncheon the company's new "Reado," a facsimile machine consisting of an attachment for radio sets for the sending and receiving of printed messages and pictures.

The principle lies in the conversion of illustrations and kindred material into an electrical or radio signal, which is broadcast, the reception of the signal at the receiver, and its reconversion into a printed form. The printing is accomplished by a rapidly-moving stylus which makes repeated movements across a four-inch wide carbon-backed paper.

The attachment, which will operate with any radio receiver, will sell for less than $80, Crosley said, and will have a range of about 500 miles.

"The Crosley Corp. has been experimenting with facsimile for two years," Crosley explained, "and we now have perfected it sufficiently to start production on our sets.

Delay AFRA Meet

Meeting between American Federation of Radio Artists and the American Association of Advertising Agencies which was scheduled for last Friday was postponed again, this time until tomorrow afternoon.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 6 NEW YORK, TUESDAY, JANUARY 10, 1939 TEN CENTS

Kent, Schaefer Depinet Meet MPTOA Here

Discuss Trade Practice Program Today

M.P.T.O.A.'s views on the first draft of the proposed trade practice program will be discussed with Sidney R. Kent, George J. Schaefer and Ned E. Depinet, representing the distributors' negotiating committee, at a meeting at the Union League Club today.

Ed Kuykendall, M.P.T.O.A. president, who held a brief conference with Kent yesterday, stated that all affiliated units of the national organization had forwarded their views of the tentative trade practice draft to him and for study by members of the M.P.T.O.A. executive committee and guidance in the discussions with Sidney Kent and other distributor representatives in formulating their trade practice policy.

The M.P.T.O.A. committee will approve parts of the program, such as the cancellation and score charge proposals and the establishment of local conciliation or arbitration boards, provided the distributors agree to

(*Continued on page 3*)

Wage Law Parley Here With Casey

Effect of the Wages and Hours law upon the industry, with particular consideration to eastern production and distribution, will be the subject of discussions at the office of Pat Casey, producers' labor representative, on Friday. Representatives from the home offices and eastern producers will be present.

Reports will be given of conferences held on the coast and at Washington. A problem exists at present on the status of employes who are required to work on location. Up to now, union agreements covered the rate of pay for such special cases, but a recent ruling of the Wage and Hour Administrator's counsel has cast some doubt on whether it is in conformity with the law.

Casey will meet with the executive board of the American Federation of Musicians tomorrow for further conferences on the possibility of increasing employment for musicians.

Radio on Page 8

Rowson Scores New English Film Laws

London, Jan. 9.—Simon Rowson, addressing the British Kinematograph Society here tonight, declared that of 32,000,000 British people viewing films today, only 8,000,000 saw British films.

He said there is no noticeable benefit from the new film legislation, with no increase either in the volume or value of British production.

Odeon to Get $25,000,000 For New Deal

LONDON, Jan. 9.—New capital of approximately $25,000,000 is to be furnished Odeon Theatres, Ltd. (Oscar Deutsch). Only final details to conclude this new financing are awaited, it is understood. Purpose of the funds is to enable Odeon to proceed with its merger and expansion plans, such as the deal with Gaumont-British and others.

Under the projected plans, Odeon will undertake the construction of a number of theatres, possibly 35, it is understood. These will be in various parts of England.

Odeon's move to build new houses puts to an end the possibility of a transaction similar to the merger, which was discussed some months ago, between Paramount's Astoria chain and Odeon.

Odeon Theatres, Ltd., is controlled by Odeon Cinema Holdings, Ltd.,

(*Continued on page 3*)

Schaefer Honored In RKO Drive to Start January 28

RKO's annual sales drive will be designated the "George Schaefer Drive" in honor of the new company president. The drive will extend for 18 weeks from Jan. 28 to June 2. It will be directed by Walter Branson, midwestern district manager, who headed the Ned E. Depinet sales drive for RKO last year.

Schaefer leaves for California Friday. Ned Depinet, RKO's sales chief, may accompany him to the Coast, arriving there Monday. They probably will stay in Hollywood until Jan. 24, date of the premiere of "Gunga Din" at the RKO Hill Street and the Pantages Theatres.

Branson will leave soon on a tour of RKO's U. S. and Canadian exchanges to inaugurate plans for the sales campaign. He will be accompanied by Harry Gittleson, editor of the RKO house organ, *Flash*, which will be published in the field during the drive.

Commends Ad. Plan

Schaefer, addressing the company's district managers' meeting at the Waldorf-Astoria, assured the sales heads that he would endeavor to obtain a continuous flow of quality product and reminded them that eight of RKO's leading features would be released in the near future. They are "Gunga Din," "Love Affair," "Pacific Liner," "The Flying Irishman," "The Great Man Votes," "The Castles," "Little Mother" and "Memory of Love."

Schaefer commended the advertising and exploitation campaign on "Gunga Din" which S. Barret McCormick, advertising and publicity director, has planned. A fairly big appropriation has been set aside for the campaign.

Vivien Leigh Is Slated for Scarlett Role

Selznick Said to Have Picked British Actress

HOLLYWOOD, Jan. 9.—Vivien Leigh, relatively unknown British actress, appears destined to play the Scarlett O'Hara role in "Gone With the Wind," the most sought after feminine role in pictures. Selection of the young English actress is likely to be announced shortly by David Selznick. The picture is to be released by M-G-M.

Miss Leigh first came to the notice of American audiences in "Dark Journey," in 1937, a British picture in which she appeared with Conrad Veidt. The picture was made by London Films (Alexander Korda).

Search Took Months

In picking Miss Leigh, there were many months of intensive search and screen testing of individuals by Selznick for her whom he deemed qu fied to play the role of Scarlett.

Norma Shearer, Paulette Goddard, Carole Lombard and Jean Arthur have been among the famous actresses under consideration.

Many were considered during these months and the picture which origally was intended for release through United Artists, in the meantime, w switched by Selznick and his associate, J. H. Whitney, to the Metro roster.

M-G-M Shares Cost

Several hundred thousand dollars has gone into the preparation of the picture. The Metro deal with Selznick is one under which M-G-M contributes to the cost of production

There was a time when Selznic thought of making the picture in two parts, of approximately 12 reels to each part. Last official word been that this will not happen.

Production gets under way, this month, and general release is contemplated by November.

Agitation Seen Likely for Federal Licensing Measure

By BERTRAM F. LINZ

WASHINGTON, Jan. 9.—Should the Temporary National Economic Committee fail to make recommendations during the next few months for revision of the anti-trust laws, there may result agitation for enactment of the O'Mahoney-Borah bill, which calls for Federal licensing of motion picture and other firms engaged in interstate commerce.

The bill was reintroduced by the two Senators last week, but indications were that the Judiciary Committee, to which it was referred, will not take it up for consideration for some time.

There is this year less enthusiasm for Federal licensing than in the past, due largely to the Administration's present attitude of conciliating, rather than further harassing, industry.

Should similar legislation be brought up in the House, it would have the support of the group which is behind Representative Culkin, N. Y., in his legislation for the creation of a Federal film commission.

DeMille Collapses; Directs on Stretcher

HOLLYWOOD, Jan. 9. — Cecil B. DeMille collapsed today from an old ailment. He made the trip from his home to the studio in an ambulance to resume direction of Paramount's "Union Pacific" from a stretcher.

Purely Personal

IRVING ASHER, London Films associate producer, leaves for the coast today for conferences with ALEXANDER KORDA. CHARLES SCHWARTZ, attorney for KORDA and CHARLES CHAPLIN, also is en route to the coast for the United Artists meetings there this week.

•

LOU PHILLIPS, Paramount attorney, goes to Washington tonight for the U. S. Supreme Court arguments on the Interstate Circuit case Wednesday, and will go to Chicago from there for work on the B. & K. anti-trust suits.

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LOUIS D. FROHLICH and HERMAN FINKELSTEIN, of counsel to Ascap, are in Washington to argue the first U. S. Supreme Court tests of state anti-Ascap legislation. They are due back in New York tomorrow.

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NATE J. BLUMBERG, Universal president; W. A. SCULLY, general sales manager, and JOSEPH SEIDELMAN, foreign manager, leave New York the end of next week for product conferences at the studio.

•

BUDD ROGERS, American general manager for Mayflower-Pommer-Laughton Productions, will leave today with ELSA LANCHESTER, who will make personal appearances in Toronto and Montreal.

•

WALTER ABEL, work completed in "King of the Turf," has returned to New York to appear opposite RUTH GORDON in the Broadway play, "The Birds Stop Singing."

•

SAM RINZLER, HARRY BUXBAUM and JOE LEE lunched at the Astor yesterday. At an adjoining table were MAX A. COHEN, TOM CONNORS and ED SAUNDERS.

•

WILLIAM SUSSMAN, 20th Century-Fox eastern division manager, and MRS. SUSSMAN leave Saturday on the *Nieuw Amsterdam* for a cruise to Rio de Janeiro.

•

JOSEPH BERNHARD, Warner Theatres general manager, has returned to his desk after a two-week rest cure at Lenox Hill Hospital.

•

FLAVIA SORACI, secretary to LARRY SCHNEIDER of Columbia's foreign department, is leaving to work for STEVE HANNAGAN.

•

JOY HODGES arrives today from the coast for a personal appearance at the State, beginning Thursday.

MITCHELL MAY, Jr. CO., INC.

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INSURANCE

Specializing

in requirements of the

Motion Picture Industry

75 Maiden Lane, New York

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Insiders' Outlook

By SAM SHAIN

PRESIDENT FRANKLIN D. ROOSEVELT'S New York State automobile license plate number is No. 3. Governor Herbert Lehman has Nos. 1, 2 and 16. Nos. 4 and 5 are held by former Governor Alfred E. Smith. Herbert Bayard Swope has Nos. S, and CQ1. Mrs. James Roosevelt, the President's mother, has No. 10.

Others are:

No. 6—Mark Graves (N. Y. State Tax Commissioner).
No. 7—Morris S. Tremaine (N. Y. State Comptroller).
No. 8—John J. Bennett, Jr. (N. Y. State Atty. Gen.).
No. 1G3—Max Steuer.
No. 2U—Samuel Untermyer.
No. 3X—Alfred P. Sloan, Jr.
No. NS1—Nathan Straus.
No. NS2—Nathan Straus, Jr.
No. 9C7—Gene Buck.
No. 6B—Bill Robinson.
No. YY2—Ed Wynn.
No. UU6—Rudy Vallee.
No. UU2—David Rubinoff.
No. 8G5—M. H. Aylesworth.
Nos. VA1, VA2 and VA3—Vincent Astor.
Nos. WH1, WH2—William Randolph Hearst, Jr.
Nos. GG8, GG9—John Golden.
Nos. X3, X4—Eddie Dowling.

▼ ▼

Most intriguing angle in the New York City anti-giveaway plan of the exhibitors is whether or not the boys can make their ban stick. If so much as one exhibitor shall violate the ban, once the prohibition shall have been voted, it might lead to widespread defection.

▼ ▼

Sir Adrian Baillie, associated with Douglas Fairbanks, Sr., in Albion Films, new United Artists releasing unit, is an important figure in British film and political circles. He is a Conservative member of Parliament from Tonbridge, Kent.

He fought the films act which went into effect last spring and is said to oppose quota protection for the British industry. He is understood to believe a closely knit cooperation between the British and American film industries may in time break down quota barriers and permit a free market.

Chiefly because Hollywood is the admitted film producing capital of the world, now obtaining 90 per cent of screen time in British theatres, cooperation rather than antagonism should be the keynote, in Sir Adrian's opinion. He has declared he does not see how the British industry is to progress otherwise, as attempts to strengthen British production by various measures have not been very successful and British investors have become cautious about financing English companies.

Sir Adrian has spent a number of years in this country. He was for a time a career diplomat and served as secretary of the British Embassy in Washington under Ambassador Sir Esme Howard. He made his second visit to Hollywood in 1935 to study Technicolor and when the English subsidiary was organized the same year, he became vice-chairman of Technicolor, Ltd.

▼ ▼

Fox-West Coast (National) theatres are experimenting with simple announcement trailers in the hope that a new kind of selling trailer may be evolved which will be different than the usual, high pressure reel. The Skouras circuit of the Pacific slope is premising its experiments on the fact that so much advance information is given the public by the press and magazines, besides radio, that the high-pressure trailer is not needed.

▼ ▼

New York City's license commissioner has no power to deny a license for the erection of a motion picture theatre because it will attract patronage and thus cause a traffic and parking problem. This was the ruling of the Court of Appeals in the recently decided case of Small *vs.* Moss.

The commissioner had previously denied a license on the ground that the proposed site fronted on a narrow street where traffic congestion already existed. In reversing this action, Judge Irving Lehman pointed out that the city could not prevent the erection of a department store, although such store might attract more traffic than a film house.

The city relied on the ordinance which gives the commissioner the right to pass upon "the location of the theatre and the character of the applicant." The court ruled that this prevented a theatre from being built in restricted areas, but otherwise the commissioner had no discretion.

In a previous case, the court held that no power to deny a license existed because a theatre at a particular location might impair the general welfare.

▼ ▼

In Wilmington, the Medical Society of Delaware, by unanimous vote. approved the showing of "The Birth of a Baby" to children, if accompained by parents. Its report said: "It is understood that this endorsement does not entail any legal or financial responsibility on the part of the Medical Society of Delaware."

Brandt Is Planning Vaude in Brooklyn

Contingent on an agreement with the stagehands' union, the Brandt circuit will install vaudeville in the Windsor Theatre, Brooklyn, Jan. 21. The policy may be extended to five or six other theatres about two weeks later, including the Audubon, Manhattan; Carlton, Jamaica, and the Flatbush.

Harry Brandt has been negotiating with the stagehands several months. The union demands a c. w. said to be on a par with the large de luze theatres, on a scale based on seating capacity, while the circuit offers a flat rate at a price it can afford. The union wants a six-man crew, it is understood. The union contends that a reduction for Brandt would set precedent, which it wants to avoid.

Six acts of vaudeville and a stage band are planned, plus a single feature and newsreels. Talent has been tentatively lined up.

The Continental, which is playing Yiddish films, will switch to a girl show and shorts Jan. 27, according to plans of Moe Goldman, the operator.

Hollomon Counsel to Interstate Circuit

Van Alen Hollomon, who has been with the Paramount home office legal staff for four years, left last night for Dallas, where he will act as associate counsel for the Interstate Circuit. Members of the legal department gave him a farewell luncheon at the Woodstock. George A. Barry acted as toastmaster. The speakers included Austin C. Keough, vice-president and general counsel; Norman Collyer, assistant secretary; Charles Brouda, Herbert Lazarus and Edith Schaeffer.

Metro Heads Return

Nicholas M. Schenck, president; William F. Rodgers, general sales manager, and Howard Dietz, advertising and publicity director of Loew's, returned from coast conferences yesterday.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Texas, Ascap Cases Up This Week in US Supreme Court

WASHINGTON, Jan. 9.—U. S. Supreme Court this week will devote considerable time to consideration of film cases, the calendar, posted today, disclosed.

In addition to hearing argument in the Texas anti-trust cases, deferred last week on account of the illness of Assistant Attorney General Thurman Arnold, the court plans to hear the Washington and Florida Ascap cases, possibly to render opinions on all four when sittings are resumed Jan. 30, after a two-week recess.

Both copyright cases revolve around the jurisdiction of Federal courts. In the Florida suit, the state attorney general contended the District Court erred in granting an injunction when the complainants failed to establish the existence of a jurisdictional amount of $3,000, necessary to secure consideration in the Federal court, and in the Washington case, Ascap is appealing from a District Court decision that the jurisdictional amount was not involved.

In the Florida case, Ascap secured an interlocutory injunction enjoining enforcement of the statute prescribing rules under which copyrighted compositions could be sold in the state. In addition to charges that the jurisdictional amount was not involved, the state authorities appealed from the decision on the ground that the court abused its discretion by lending injunctive aid to a combination of copyright owners in furtherance of alleged monopolistic price-fixing practices.

Ascap appealed from the Washington decision, contending state law destroys 528 contracts with users of copyrighted compositions, from whom the society receives $60,000 a year. The law makes unlawful combination of two or more copyright owners for the purpose of fixing prices for use of their works, for collecting fees or to issue licenses, which the society contends denies it equal protection of laws and deprives its members of property without due process of law.

The Supreme Court also is expected to announce whether it will review the District Court decision in the North Dakota divorce law case, appealed by Paramount, following consideration of briefs shortly to be submitted.

Laguna Suit Against 20th-Fox Is Settled

Michelina Laguna suit in Federal Court against 20th Century-Fox for alleged infringement by that company in the picture, "The World Moves On," was settled out of court for a nominal sum after Laguna had won judgment in Mexican court of 20,000 pesos on a story he had written, "La Paz en Laguerra."

Delay Jewel Hearing

Hearing on lottery charges against the manager and staff of the Jewel Theatre in Harlem has been postponed in special sessions to Jan. 31. Police raided the house in September on charges preferred by the Society for the Prevention of Crime. The theatre ran a screen numbers game.

"Steed" Opening

"The White Steed," by Paul Carroll, opens tonight at the Cort. It is a story of political corruption. Eddie Dowling produced and Hugh Hunt directed the staging. Included in the cast are Jessica Tandy, George Coulouris and Barry Fitzgerald.

Six closings on Saturday brought the number of legitimate stage productions on Broadway down to 21. Closed were "Bachelor Born," after 398 performances; "Sing Out the News," 105; "American Landscape," 43; "Blossom Time," a revival, 19; "Don't Throw Glass Houses," 15, and "Everywhere I Roam," 12.

"Dear Octopus" is scheduled to open tomorrow and "The Importance of Being Earnest" on Thursday.

Sue Warner on Song In 'Garden of Moon'

HOLLYWOOD, Jan. 9.—Louis Herscher and Robert Wolf Gilbert, members of Ascap, have filed suit in Federal Court for $60,000 damages and an accounting of profits of "Garden of the Moon," title song for the Warner picture starring John Payne. Named as defendants were Warners, Music Publishers Holding Corp., and Al Dubin, Johnny Mercer, Harry Warren and Jean Herbert, composers and lyricists.

The plaintiffs charged that Harms, Inc., Warner subsidiary, entered into a royalty agreement with them for the song, "Garden of the Moon," musical rights first having been obtained by them from H. Bedford Jones and Barton Browne, who wrote the story. However, the complaint alleged, Harms, Inc., put the Herscher-Gilbert song on the restricted list, and substituted a music and lyrics written by the Warner song writers.

Wisconsin I.T.P.A. Postpones Wedding

MILWAUKEE, Jan. 9.—Date for the annual meeting of the Independent Theatres Protective Association of Wisconsin, originally slated for Jan. 24 and 25, has been postponed until later. Reason for the postponment is to give exhibitors an opportunity to consider the trade pact proposal for the industry before voting on it at the meeting.

E. F. Maertz, Milwaukee, president of the I.T.P.A. of Wisconsin, will represent the association at the coming Allied conference in Washington.

Sales Meet Opened By RCA Photophone

RCA Photophone opened its three-day sales convention at Camden yesterday with about 50 sales representatives and service managers in attendance. Harry L. Sommerer, president, gave the opening address. Among the speakers at tomorrow's session will be Edward C. Cahill, service manager. The final meeting will be held in New York and will include a tour of NBC studios and the World's Fair grounds.

Kent, Schaefer and Depinet Meet MPTOA

(Continued from page 1)

make them effective immediately. The balance of the program probably will be left to later negotiation.

William F. Rodgers and possibly Gradwell L. Sears of the distributors' negotiating committee will meet with Allied State's negotiating committee in Washington next Monday, prior to Allied's annual board meeting Tuesday and Wednesday. This meeting may resolve some of Allied's objections to the trade practice program.

The Allied board is scheduled to vote on the distributors' proposals but in advance of the meeting with Rodgers its action is unpredictable.

Albert Galston, president, and Robert Poole, business manager, of the I.T.O. of Southern California and Arizona, are due here tomorrow from Los Angeles for a second meeting with the distributors' negotiating committee. They are bringing with them their organization's recommendations for revision of the first draft, over which I.T.O. has expressed "keen disappointment." Other unaffiliated exhibitor units may meet with the distributors' committee later.

Further procedure and possible changes in the first draft to meet exhibitors' objections which have already been made known were discussed by the distributors' committee at a meeting at the Hays Office yesterday.

Tully Asks $50,000 In 'Home Town' Suit

Suit was filed yesterday by Jim Tully, author, in the U. S. District Court against Paramount, William K. Howard and Odessco Productions, Inc., in which Tully seeks damages of $50,000 and an injunction restraining the defendants from allegedly exploiting his name in connection with the motion picture, "Home Town."

The plaintiff charges violation of the Civil Rights Law of New York, claiming that Howard and Odessco have produced "Home Town" and contracted with Paramount for its distribution.

In spite of the fact that Tully has no connection with the picture, the complaint stated, the defendants have advertised the film, stating that Tully was associated with them in its production.

Suit on 'Stowaway' Song Is Dismissed

Federal Judge John C. Knox has dismissed the song infringement suit of Charles McCord against Robbins Music Corp., 20th Century-Fox Film Corp., Mack Gordon and Harry Revel, on consent of the plaintiff, without costs. Suit had been filed, seeking "at least $50,000 damages," an injunction and accounting, charging the defendants with having infringed the plaintiff's song "I'll Always Remember Ronkonkomo," in the song, "Good Night, My Love," which was used in 20th Century-Fox's picture, "Stowaway."

Milstein Small's Agent

J. J. Milstein is business representative for Edward Small, and not for Hal Roach. Tom Walker is business representative for Hal Roach in the east, and he is now in New York. Milstein has left for the coast.

Wisconsin Plans Bank Night Test

LA CROSSE, Wis., Jan. 9. — The Wisconsin attorney general is seeking to force discontinuance of Bank Night here with the issuance of a complaint claiming it to be a public nuisance and a "lottery."

The litigtaion will be a test case with either side free to appeal to the State Supreme Court for a final decree. Defendant in the action is the La Crosse Theatres Co. and its officers. In the recent lottery action against the company in which a six-man jury returned a verdict of not guilty on charges of operating a lottery in connection with Bank Night at the circuit's Rivoli theatre, the state was unable to appeal.

Odeon Financing Set at $25,000,000

(Continued from page 1)

which operates approximately 300 houses in England. Including its subsidiary, the London & Southern, its value has been estimated at $21,000,000. United Artists is a partner in Odeon.

There has been no official notice to Loew's or to 20th Century-Fox by G-B or others in London regarding the proposed Gaumont-British merger with Odeon, and the possibilities of the Ostrers disposing of their interests in Metropolis Bradford. Officials of these two American companies are taking no official cognizance of the possibilities of a London deal until formal word is received.

Sidney R. Kent, president of 20th Century-Fox, has had no official information from London on the possibilities of the G-B transaction. Nicholas M. Schenck, president of Loew's, takes the position that there has been no official change in the status of the Gaumont-British situation and Loew's since a year ago.

Screen Writers Plan Filing Labor Charges

HOLLYWOOD, Jan. 9.—Plans for filing before the National Labor Relations Board charges of intimidation of members by producers were advanced at a meeting of the Screen Writers Guild last night. It was said that about 45 complaints would be ready soon for filing with the board.

Table Allen-Metro Suit

LONDON, Jan. 9.—Action of Elizabeth Allen against Metro British, claiming damages for alleged breach of contract, loss of publicity and damage to her professional reputation arising from the filming of "The Citadel," has been tabled.

Dietrich Aids Joy

Ralph Dietrich, formerly assistant to Gene Markey, 20th Century-Fox associate producer, has been named assistant to Jason Joy, personnel manager of 20th Century-Fox studios.

Col. Signs Joe E. Brown

HOLLYWOOD, Jan. 9.—Joe E. Brown will return to the Columbia lot in the near future under a two-year contract cosed recently. His first assignment has been tentatively titled "Call Me Joe."

How long is it since
positively RAVE



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John Barrymore

Peter Holden • Virginia Weidler

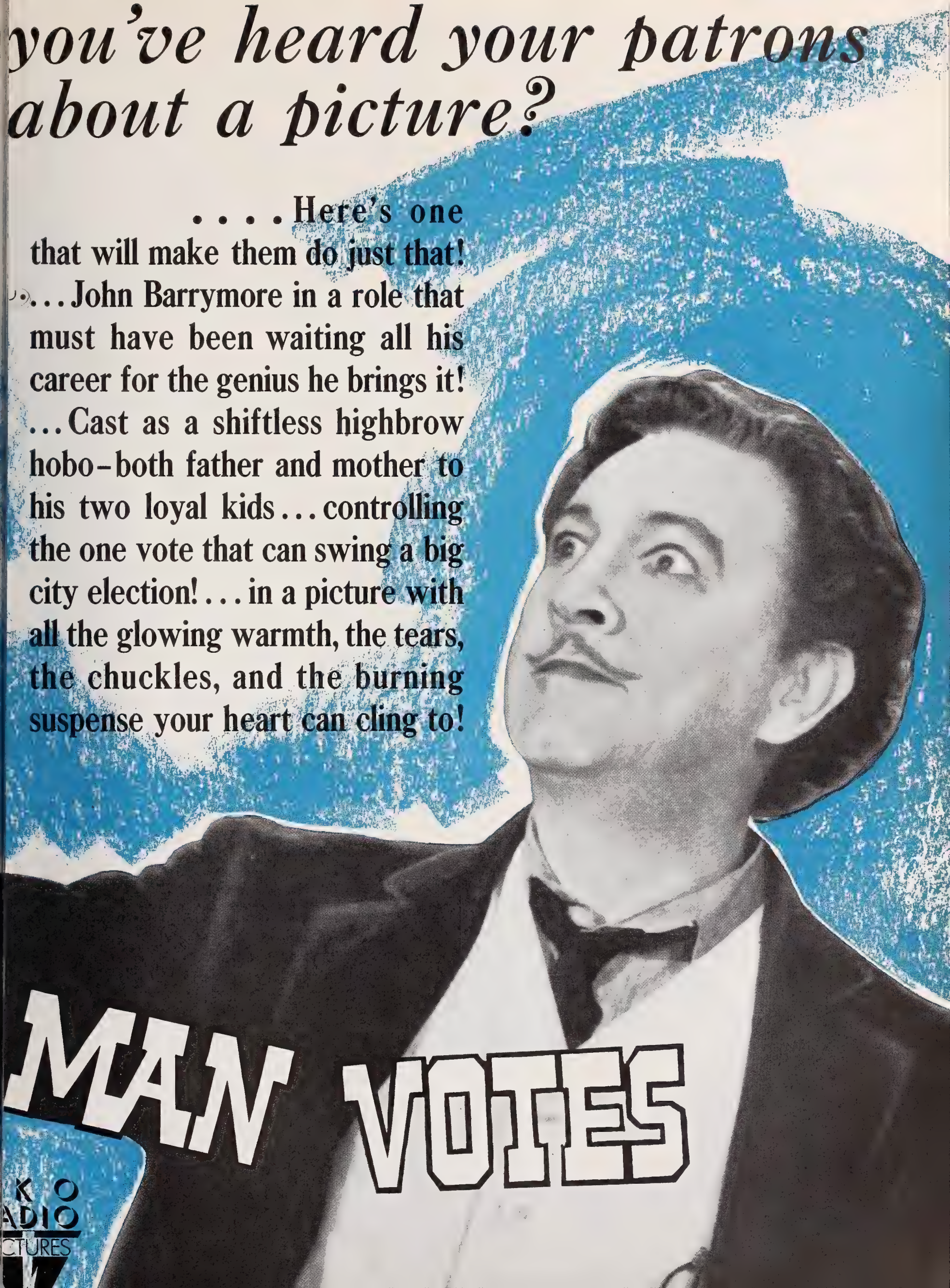
Donald MacBride • Katharine Alexander

Pandro S. Berman in Charge of Production

Directed by George Kaplan • Produced by Cliff Reid • Screen Play by John Twist

you've heard your patrons about a picture?

. . . . Here's one that will make them do just that! . . . John Barrymore in a role that must have been waiting all his career for the genius he brings it! . . . Cast as a shiftless highbrow hobo–both father and mother to his two loyal kids . . . controlling the one vote that can swing a big city election! . . . in a picture with all the glowing warmth, the tears, the chuckles, and the burning suspense your heart can cling to!



MAN VOTES

K O
ADIO
CTURES

'Everything' Is Sensation in Hub, $25,000

BOSTON, Jan. 9.—"Thanks for Everything" and "The Last Warning" turned the trick here, with a gross of $25,000 at the Keith Memorial, a smash figure.

"Out West with the Hardys" and "Young Dr. Kildare" took $20,000 at Loew's Orpheum and $18,000 at Loew's State, both very good. Holiday crowds and midnight shows helped.

Estimated takings for the week ending Jan. 4:

"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $20,000. (Average, $12,000)

"Out West with the Hardys" (M-G-M)
"Young Dr. Kildare" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $10,000)

"Thanks for Everything" (20th-Fox)
"The Last Warning" (Univ.)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 6½ days. Gross: $25,000. (Average, $13,000)

"Paris Honeymoon" (Para.)
"Storm Over Bengal" (Rep.
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $17,000. (Average, $13,000)

"Artists and Models Abroad" (Para.)
"Tom Sawyer, Detective" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $8,500)

"Artists and Models Abroad" (Para.)
"Tom Sawyer, Detective" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $4,500)

'Sweethearts' in Seattle Captures Excellent $11,500

SEATTLE, Jan. 9. — "Sweethearts" was well out in front with $11,500 at the Fifth Avenue, as most houses went over average, aided by advanced prices for New Year's Eve.

"The Dawn Patrol" and "Thanks for the Memory" took $8,400 at the Orpheum, and 'Kentucky" and "Spring Madness" drew a strong $8,850 at the Paramount. Weather was rainy.

Estimated takings for the week ending Jan. 6:

"Out West With the Hardys" M-G-M)
"Man To Remember" (RKO)
BLUE MOUSE—(950) (30c-40c-55c) 7 days. 3rd week. Gross: $4,400. (Average, $4,000)

"Sweethearts" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $11,500. (Average, $7,000)

"There Goes My Heart" (U.A.)
"Crime Takes A Holiday" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 5 days. 2nd week. Gross: $3,100. (Average, 7 days, $5,000)

"Artists and Models Abroad" (Para.)
"Down on the Farm" (20th-Fox)
MUSIC BOX—(950) (30c-40c-55c) 7 days. 2nd week. Gross: $4,100. (Average, $4,000)

"The Dawn Patrol" (W.B.)
"Thanks for the Memory" (Para.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $8,400. (Average, $6,000)

"Sons of the Legion" (Para.)
PALOMAR—(1,500) (15c-25c-30c-40c) 5 days. Vaudeville and local kiddies dance revue. Gross: $3,950. (Average, $5,000)

"Kentucky" (20th-Fox)
"Spring Madness" (M-G-M)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,850. (Average, $6,000)

Hollywood Preview

"Arizona Legion"

(RKO)

HOLLYWOOD, Jan. 9.—Here's a western sure to thrill the outdoor action adventure fans. There's nothing old fashioned about "Arizona Legion." Everything is as fresh and new as 1939. Not very often has spectacular action been made so much an integral part of a picture, fit into a story with such significance, as the quality has been included in the latest George O'Brien vehicle.

In the beginning O'Brien is made to appear as a drink sodden trouble-maker. Then, as he is continually involved in dirty work and association with the frontier's criminal element, it is revealed that he is the head of the secretly organized Arizona Rangers, commissioned to wipe out lawlessness. Having earned the enmity of Lieut. Carlisle Moore, his boyhood chum, and the affections of sweetheart Laraine Johnson, O'Brien is captured after robbing an army treasure wagon. In jail, he learns the identity of the brains behind the desperadoes and escaping military prison, he leads his rangers in the round up of Tom Chatterton's gang.

O'Brien appears to much better advantage in "Arizona Legion" than in any of his recent productions. While Miss Johnson is something more than the customary western heroine, the high grade supporting cast is given many opportunities to be effective. Chill Wills, O'Brien's buddy and teller of tall stories is the source of the story's comedy content and in every appearance he should provoke laughter. The trio of heavies, Chatterton, Harry Cording and Glenn Strange, are ideal bad men and Ed Le Saint is convincing as the hero's confidant. The original story by Bernard McConville and the screenplay by Oliver Drake are believable and David Howard's directing endows the picture with socking entertainment merit.

Running time, 62 minutes. "G."* G.McC.

**"G" denotes general classification.*

'Sweethearts' in Cleveland $22,000

CLEVELAND, Jan. 9.—"Up the River" with Ted Lewis and Company as the stage attraction, took a smash $27,000 at the RKO Palace.

"Sweethearts," at Loew's State, played to record weekend attendance, grossing $22,000. "Kentucky" at Warners' Hippodrome took $15,000. "The Dawn Patrol" drew $8,000 at the Allen.

Estimated takings for the week ending Jan. 6:

"The Dawn Patrol" (W. B.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $8,000. (Average, $4,000)

"Kentucky" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $12,000)

"Up the River" (20th-Fox)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Ted Lewis and Co. Gross: $27,000. (Average, $15,000)

"Sweethearts" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $22,000. (Average, $13,000)

"Artists and Models Abroad" (U. A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. 2nd week. Gross: $4,000. (Average, $5,000)

Stock Application Withdrawn by Pix

WASHINGTON, Jan. 9.—Withdrawal of an application filed Dec. 7 for registration of 50,000 shares of $5 par common stock has been asked by Pix Theatre Circuit, Inc., Gary, Ind., the S.E.C. has disclosed.

The stock was to be sold at $6 per share, the proceeds to be used for the purchase of three theatres in Kansas City, Colonial and Mary Lou to be acquired from E. E. Webber for $42,500 and the Ritz from Harry H. Barrett for $20,000. Remainder of the proceeds from the stock issue would have been used for further acquisitions.

Ten New Films Are Approved by Legion

National Legion of Decency reviewed 12 new pictures this week and classified seven as unobjectionable for general patronage, three as unobjectionable for adult patronage, and two as objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"California Frontier," "Charlie Chan in Honolulu," "Forbidden Music," "Going Places," "Songs and Bullets," "Tough Kids" and "Wild Horse Canyon." Class A-2, Unobjectionable for Adults—"Crime Takes a Holiday," "Pacific Liner" and "Zaza." Class B, Objectionable in Part—"Foolish Virgin" and "Kreutzer Sonata."

Censor Law in Ohio Seen Facing Attack

COLUMBUS, Jan. 9.—Bills seeking to revise or repeal the Ohio censorship statute may be introduced in the current legislative session. There is much sentiment among liberal groups for such action.

Meanwhile, Amkino's appeal to the state censor board from its ban of "Professor Mamlock," Russian film, is pending. The distributor plans to take the matter to the State Supreme Court if the board upholds its original decision.

Pathe News on Coast

Pathe News is opening a west coast office with Peter Mayer, former assistant assignment editor, in charge. Mayer leaves for Los Angeles tomorrow by plane. Heretofore the newsreel was represented by a cameraman on the coast. Coverage of sports locals will be extended, as well as news and feature material.

Personnel Moves

FABIAN CHANGES

ALBANY, Jan. 9.—Louis Golding, district manager of the Fabian Circuit, has made the following shifts in addition to the transfer of Sidney Deneau to the New York home office:

Joe Shure, manager of the State, Schenectady, to succeed Deneau as booking manager for the local Fabian district; Louis Rosenthal, cashier at the State, Schenectady, to manager of the Strand; Phil Rapp, from manager of the Strand to the Plaza, and C. W. Graves, from the Plaza to the State as manager.

MURNANE SHIFTED

ALBAKY, Jan. 9. — Joseph Murnane, assistant manager at the Ritz, Albany, has been shifted to the same position at the Stanley, Utica, succeeding Peter Chagaris, resigned. Change was made by Charles A. Smakwitz, Warner theatres district manager.

STAHL QUITS U. A.

CINCINNATI, Jan. 9.—Max Stahl has resigned as branch manager of United Artists here to take over operation of the new 638-seat Ritz, at Shelbyville, Ind., which he built in partnership with Nate Kaufman. Harris Dudelson has been promoted to branch manager to succeed Stahl.

N. T. S. PROMOTES 3

CLEVELAND, Jan. 9.—L. H. Walters, manager of the local National Theatre Supply office, has promoted Thomas Baird from office manager to salesman covering the western half of the Cleveland territory, succeeding M. H. Fritchle, resigned. John Watts has been promoted from bookkeeper to office manager and D. T. Coumeig has been appointed bookkeeper.

TWO JOIN UNIVERSAL

CLEVELAND, Jan. 9.—Joe Engel, local Universal branch manager, has named George Rosenbaum and James Frew as salesmen. They succeed Jack Withers and Harry Dixon.

SCHWARTZ TO REINHART

CANTON, O., Jan. 9.—Ben Schwartz, for the past 18 months manager of Warners' Ohio here, has resigned to become city manager for the Reinhart Amusement Co. Schwartz now has charge of the Mozart, State and McKinley here.

OLSON QUITS WARNER

SEATTLE, Jan. 9.—Tom Olson, general manager of Warner theatres in Aberdeen and Hoquiam, has resigned to enter the radio field in Olympia. He will be succeeded at the Hoquiam and Bijou in Hoquiam by Carl Miller. Lloyd Thayer of this city will take over the management of the Aberdeen in Aberdeen.

PAYNTER TO EMPIRE

TORONTO, Jan. 9.—Harry O. Paynter, for many years Ontario branch manager for Warners, has resigned to join Empire-Universal Films, Ltd.

MARKOWITZ TO FLORIDA

KANSAS CITY, Jan. 9.—M-G-M will transfer Joe Markowitz, office manager at the exchange here two years, to Florida, where he will sell out of the Atlanta office.

'Kentucky' Is Big $19,000, Philadelphia

PHILADELPHIA, Jan. 9.—Opening week of "Duke of West Point" brought $13,500 to the Aldine. The Earle, benefiting by the midnight shows, grossed $26,000 with its stage combination of Lionel Stander, Eleanore Whitney, Ken Murray and Gene Austin, and "Girl Downstairs" on the screen.

"Sweethearts" held up to a strong $18,000 for a second week at the Boyd, and "Kentucky" drew a powerful $19,000 in eight days at the Fox.

Estimated takings for the week ending Jan. 5:

"Duke of West Point" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $13,500. (Average, $8,160)
"Thanks for the Memory" (Para.)
ARCADIA—(600) (25c-40c-55c) 2 days. Gross: $500. "Say It in French" (Para.), 3 days, 2nd run. Gross: $600. (Average, 7 days, $2,800)
"Sweethearts" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $18,000. (Average, $14,000)
"Girl Downstairs" (M-G-M)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Lionel Stander, Ken Murray, Eleanore Whitney, Gene Austin. Gross: $26,000. (Average, $14,000)
"Kentucky" (20th-Fox)
FOX—(3,000) (40c-55c-65c-75c) 8 days. Gross: $19,000. (Average, $14,000)
"Thanks for Everything" (20th-Fox)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $4,500. (Average, $4,000)
"Trade Winds" (U. A.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $4,000. (Average, $4,000)
"Dawn Patrol" (W. B.)
STANLEY—(3,700) (40c-55c-65c) 7 days, 2nd week. Gross: $13,000. (Average, $14,000)
"Devil's Island" (W. B.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,500. (Average, $7,000)

'Cowboy,' 'Comet' Lead Milwaukee Grossing $8,500

MILWAUKEE, Jan. 9.—Week's big money went to "The Cowboy and the Lady" and "Comet Over Broadway" at the Warner with $8,500. "Paris Honeymoon" and "Illegal Traffic" collected $8,000 at Fox's Palace, while "Kentucky" and "Up the River" grossed $9,000 at the Wisconsin.

"Sweethearts" and "Young Dr. Kildare" were good for $5,000 at Fox's Strand with "Secrets of a Nurse" and Ben Blue on the stage grossing $7,300 at the Riverside.

Estimated takings for the week ending Jan. 5-6:

"Professor Mamlock" (Amkino)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $2,100.
"Secrets of a Nurse" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Ben Blue. Gross: $7,300. (Average, $5,000)
"Paris Honeymoon" (Para.)
"Illegal Traffic" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $8,000. (Average, $5,000)
"Sweethearts" (M-G-M)
"Young Dr. Kildare" (M-G-M)
STRAND—(1,400) (35c-50c) 7 days. Gross: $5,000. (Average, $4,500)
"The Cowboy and the Lady" (U. A.)
"Comet Over Broadway" (F. N.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $8,500. (Average, $5,000)
"Kentucky" (20th-Fox)
"Up the River" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $9,000. (Average, $8,000)

New York Previews

"Trigger Pals"

(Cinemart-Grand National)

Art Jarrett finds that running a cattle ranch and hunting for rustlers can be a complicated affair when a woman turns up as a half-owner. Especially when he wants to raise cattle and she wants a dude ranch.

Dorothy Faye, as the eastern girl, and Jarrett each inherit a half interest. She unexpectedly comes to the ranch to help supervise its operations. Meanwhile, Jarrett, together with his pals Lee Powell and Al St. John, are searching for rustlers who prevent the fulfillment of contracts by stealing the cattle just before deliveries are due.

It is discovered that Ted Adams, who seeks to foreclose the mortgage, is head of the ring, but just as he is about to be captured, he seeks to prove that Jarrett is the thief. There is an exciting fight in a cave with a dynamite charge about to explode. Nina Gilbert, as the maiden aunt, adds a comedy touch when she falls in love with St. John.

Phil Krasne produced the picture and Sam Newfield directed. Two songs, "When a Cowboy Sings" and "Lullaby Trail," are heard in the film. George Plympton and Ted Richmond wrote the story.

Running time, 55 minutes. "G."*

*"G" denotes general classification.

"Heart of Paris"

(Tri-National Films)

"The Valiant," a French production, has some charming and completely absorbing moments, although on the whole it appears to be excessively lengthy in contrast with the simplicity of its story and its restricted action pattern. There are several distinguished performances and some excellent humorous touches which, however, may escape those unable to follow the dialogue, as much of the best has not been captured by the English titles.

The story depends for much of its veracity on the splendid characterization of a soft-hearted French shopkeeper given by Raimu. As a jury member largely responsible for the acquittal of Michele Morgan for the murder of her lover, his sympathies are stirred to the extent of providing employment and shelter for her in his own home. The almost melodramatic consequences involve his son, his daughter and her fiance, his wife and, of course, himself. Provision is made, however, for the happy ending.

The cast is uniformly good, but performances especially deserving of mention other than Raimu's are those of Jacqueline Pacaud as the wife, and Mlle. Morgan as the rescued girl.

Running time, 85 minutes. "A."* SHERWIN A. KANE

*"A" denotes adult classification.

Hollywood Preview

"Disbarred"

(Paramount)

HOLLYWOOD, Jan. 9.—Melodramatic in theme, devoid of comedy, yet containing a trace of romantic love interest, "Disbarred" follows a familiar pattern and in neither cast name nor audience entertainment value does it make available any patron-intriguing exploitation.

The purpose of "Disbarred" is to expose the unethical practices in which shady lawyers indulge. The bar association expels Otto Kruger, who has made a living by being a legal racketeer in the defense of thugs, gangsters and murderers. Continuing his business, but concealing his identity, in another city, Kruger engages a woman lawyer to be his mouthpiece and defender of his unsavory clientele. Torn between loyalty to the man who made it possible for her to be a success and her faith in her oath and profession, Miss Patrick chooses the second loyalty and prepares to prosecute Kruger on a murder charge.

Miss Patrick does a capable job with her role, as does Kruger. With few exceptions the balance of the cast, however, is not more than adequate.

The original story by Harry Sauber, as well as the screenplay by Lillie Hayward and Robert Presnell, appears to be composed of abstracts of half a dozen or more earlier "lawyer" pictures. Robert Florey directed.

Running time, 62 minutes. "G."* G. McC.

*"G" denotes general classification.

'Hardys' Is Twin Cities' $6,000 High

MINNEAPOLIS, Jan. 9.—Aided by mild weather and New Year's eve special shows, grosses for the week showed signs of revitalized business. High was "Out West with the Hardys," with $6,000 at the Century. The Gopher got $3,400 with "Up the River," and "Artists and Models Abroad" was good for $5,600 at the State.

In St. Paul "Angels with Dirty Faces" got $3,500 at the Orpheum and the Tower's $2,600 with "Up the River" and "The Frontiersman" was strong.

Estimated takings for the week ending Jan. 5:

Minneapolis:

"Law West of Tombstone" (RKO)
"Nancy Drew, Reporter" (W. B.)
"Down on the Farm" (20th-Fox)
"The Storm" (Univ.)
ASTER—(900) (15c-25c) Dual bills, split week. Gross: $2,000. (Average, $1,500)
"Out West with the Hardys" (M-G-M)
CENTURY—(1,600) (25c-40c) 2nd week, 7 days. Gross: $6,000. (Average, $4,000)
"Up the River" (20th-Fox)
GOPHER—(990) (25c) 7 days. Gross: $3,400. (Average, $3,000)
"Thanks for Everything" (20th-Fox)
"Dawn Patrol" (W. B.)
ORPHEUM—(2,900) (25c-40c) "Thanks" 5 days, "Dawn," 2 days. Gross: $4,500. (Average, $4,800)
"Artists and Models Abroad" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $5,600. (Average, $4,400)
"Moonlight Sonata" (Malmar)
"To the Victor" (G. B.)
WORLD—(400) (25c-55c) "Sonata" 6 days in 6th week, "Victor" 1 day. Gross: $1,000. (Average, $1,600)

St. Paul:

"Angels with Dirty Faces" (F. N.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,500. (Average, $3,200)
"Artists and Models Abroad" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,300. (Average, $4,400)
"Spring Madness" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $2,400)
"Up the River" (20th-Fox)
"The Frontiersman" (Para.)
TOWER—(1,000) (25c) 7 days. Gross: $2,600. (Average, $1,600)
"Moonlight Sonata" (Malmar)
WORLD—(400) (25c-35c) 7 days, 2nd week. Gross: $1,400. (Average, $700)

'French,' Vaudeville $16,500 In Omaha

OMAHA, Jan. 3.—"Say It in French," with Dixie Dunbar heading a stage show, took a smash $16,500 at the Orpheum.

"Artists and Models Abroad," dualled with "King of Alcatraz," pulled a surprise $9,200 at the Omaha. The weather was clear and cool.

Estimated takings for the week ending Jan. 4-5:

"Going Places" (F. N.)
"The Storm" (Univ.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $6,100. (Average, $4,000)
"Artists and Models Abroad" (Para.)
"King of Alcatraz" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $9,200. (Average, $5,500)
"Say It in French" (Para.)
ORPHEUM—(3,000) (35c-55c) Stage: Dixie Dunbar. 7 days. Gross: $16,400. (Average, $7,200)

Hall Gets Warner Short

Warners' "Lincoln in the White House," latest addition to the series of patriotic two-reel shorts in technicolor, has been booked into Radio City Music Hall starting Feb. 10.

P. & G. Spent $4,860,155 in '38 with NBC

Procter & Gamble was by far the leading NBC client during 1938, with gross expenditures for network time of $4,860,155—more than $2,000,000 ahead of the network's next biggest client, Standard Brands, with time expenditures of $2,670,467.

During the year, NBC sold time amounting to $41,408,310, with 116 clients contributing to make that total, excluding billings for political talks. Revenue from political talks totaled $54,369, making total NBC gross client expenditures of $41,462,679.

The 20 leading advertisers for the year, and gross expenditures for each, follow:

Procter & Gamble, $4,860,155; Standard Brands, $2,670,467; General Foods, $2,519,220; Sterling Products, $2,486,452; American Home Products, $1,683,340; Campbell Soup, $1,565,637; National Dairy Products, $1,466,957; Miles Laboratories, $1,387,906; American Tobacco, $1,331,884; General Mills, $1,200,886; Bristol-Myers, $942,930; Quaker Oats, $878,068; RCA, $827,640; Johnson Wax Co., $675,190; Brown & Williamson, $656,306; Cities Service, $638,205; Firestone Tire & Rubber, $635,206; Sun Oil, $631,667; Jergens Co., $622,277; Liggett & Myers, $571,015.

Food and Food Beverages lead the industrial classification, with total gross expenditures of $14,559,775—an increase of 32 per cent over the expenditures for the same industry in 1937. The industrial classifications follow, alphabetically:

Automotive, $927,251; Building Materials, $56,162; Cigars, Cigarettes and Tobacco, $3,286,786; Clothing and Dry Goods, $76,736; Confectionery and Soft Drinks, $331,100; Drugs and Toilet Goods, $12,686,022; Financial and Insurance, $171,627; Foods and Food Beverages, $14,559,775; Garden and Field, $2,236; House Furniture and Furnishings,$ 743,407; Lubricants, Fuel and Petroleum Products, $1,983,534; Machinery and Farm Equipment, $99,708; Paints and Hardware, $274,333; Radios and Phonographs, $955,706; Schools and Correspondence Courses, $6,912; Shoes and Leather Goods, $64,959; Laundry Soaps and Cleaners, $4,491,316; Stationery & Publishers, $392,055; Travel and Hotels, $19,364; Wines and Beer, $125,232; Miscellaneous, $208,459.

Average expenditure of each of the 116 non-political clients was $356,968.

WKRC Adopting Single Rate Card

CINCINNATI, Jan. 9.—WKRC will discontinue its local rate card upon release this week of rate card No. 12, which supersedes all other rate structures for the station. WKRC, which is the CBS station for Cincinnati, thus becomes the only station here to operate with one rate card.

The new rate card has as its basic rate $300 per class "A" hour with rates proportionately reduced for other classifications of time throughout the afternoon and morning.

WHN to Advertise On Bridges, Tunnels

Large signs displaying WHN's call letters and slogan, "Dial 1010," will be placed at all toll booths of the Lincoln Tunnel, the Holland Tunnel, the George Washington Bridge, the Goethals Bridge, Bayonne Bridge and the Outerbridge Crossing.

Arrangement for advertising WHN to all motorists using the bridges and tunnels were made by Dick Fishell with the Port of New York Authority.

W8XAL Plans New Pan-America Series

CINCINNATI, Jan. 9.—Further short-wave broadcasting activities are being planned for W8XAL to include programs saluting the lesser known Latin American countries, and programs on American industry to be aired in Spanish, according to Joseph Reis, director of international broadcasting.

Starting dates for the new series have not been definitely set.

Officials of CBS Before FCC Today

WASHINGTON, Jan. 9.—Officials of the Columbia Broadcasting System will appear before the F.C.C. tomorrow as the commission begins its study of that company, the second national network to be called in the investigation of an alleged monopoly in broadcasting.

Indications tonight were that CBS could be covered possibly in two weeks, in contrast with nearly two months devoted to the inquiry of NBC. In connection with the investigation, the commission disclosed today it is making a study of the actual ownership of radio stations and has sent out 2,300 questionnaires, asking for information on which determination can be made of the extent of absentee ownership, voting proxies and control by holding companies.

The information gathered through the questionnaire, it was explained, will be analyzed and the results presented in the testimony of F.C.C. experts before the end of the present series of hearings.

To Air Hialeah Races

Mutual and CBS will broadcast descriptions of the running of 10 of the important stake races from Hialeah Park, beginning tomorrow.

New Shows on the Air

"Screen Actors' Guild Show"

The fireside radio receiver gains another stay-at-home prop in the new Screen Guild Show, introduced Sunday on CBS at 7:30 P. M.

The inaugural program—and there is no reason to believe that the broadcasts to follow will show a letdown—had simply everything that can be tossed into an able and entertaining show—names, variety, production, novelty, music—plus an all-appealing charity angle which no other commercial radio program possesses. The Guild show is put together in its entirety by the Screen Actors' Guild, and the weekly fee the Guild receives from the Gulf Oil Co.—said to be about $15,000—goes into a fund to build a hospital and home for indigents of the film profession. This fact was stressed in the opening program, as it will be stressed in subsequent broadcasts, and it cannot help but have an effect in drawing an audience.

Appearing in the inaugural were Jack Benny and Joan Crawford, Reginall Gardner, Judy Garland and George Murphy. Benny and Miss Crawford were heard in an amusing skit designed to bring out reasons why Benny should not be cast in enviable roles, like Gable, Taylor and Colman. Benny making serious love to Crawford is amusing even just thinking of it. Gardner again gave his funny imitation of a railroad engine in motion, and Miss Garland sang two numbers in good fashion. Oscar Bradley's orchestra fashioned the musical backdrop. Murphy was M. C., and Mitchell Leison directed. Ralph Morgan, S.A.G. president, and Col. J. Frank Drake, president of the Gulf Co., spoke briefly about the purpose of the show.

"Gateway to Hollywood"

"Gateway to Hollywood," new RKO air program, evolved by Jesse Lasky and designed as a talent hunt, got off to an unfortunate start Sunday, betrayed by a fantastic and puerile script.

Like the Screen Guild show, "Gateway to Hollywood" has an entirely worthy purpose. The program will provide an avenue to stardom for a talented young acting couple. The quest is open to girls between the ages of 17 and 23, to boys between the ages of 21 and 27. Each week, for 13 weeks, a different team will be heard in various dramatizations, and at the close a board of judges will select the most promising team for roles in an RKO picture. The winning youngsters will adopt the names of "Alice Eden" and "John Archer" and will be guaranteed at least six months' work by the studio at $125 a week.

The two youngsters in the inaugural show will not, at this stage of their careers, set any rivers afire with their dramatic ability, but no one expects a polished acting job. It was the script that threw them, not their acting.

The story was by Peter Dixon and was titled "Greater Love." It was a preposterous story of the Civil War days. The boy is a captain of the Confederates, the girl a Yankee sympathizer. He comes to his own town as a spy, and in a rendezvous with his wife is shot by her because of her desire to bring the war to a close. How his demise would end the war is a mystery still to be explained. A sister-in-law was played by Miriam Hopkins, whose talent was added for "name" value.

Cecil B. DeMille was on hand to wish his old partner Jesse L. Lasky well in the new radio venture. We, too, wish Lasky and his program well. "Gateway to Hollywood" is presented Sundays over CBS at 6:30 P. M., and sponsored by the Wrigley Co.

JACK BANNER

Al Smith Elected To NBC Council

Alfred E. Smith, former governor of New York, was elected a member of the NBC advisory council at a regular meeting of that body yesterday. Smith succeeds the late Judge Morgan J. O'Brien. The council reaffirmed the network's policies covering programs of religious, controversial issues, and politics, and voted their continuance.

Those policies, five in number, are as follows: Religion: NBC does not sell time for religious programs but has chosen responsible organizations representing the three dominant religious groups, Protestants, Catholics and Jews, to suggest speakers and prepare programs; NBC does not permit attacks upon religious faiths or upon racial groups. Politics: It does not sell political time other than during periods of election, and does not accept dramatic presentations of political issues because, the network believes, it is impossible to prevent essential misrepresentations and unfairness when this policy is employed. Controversial issues: In connection with its own sustaining periods, NBC at all times to give equal representation to both sides of every controversial issue; and on sponsored programs where controversial programs are presented, the sponsor may be forced to yield time to a representative of views opposed to the sponsor's speaker.

Further, a speaker having been granted time on the air, NBC does not censor or edit his opinions, other than checking for slander, violations of law.

Farr-Burman on NBC

Ten-round heavyweight bout between Tommy Farr and Clarence Burman will be broadcast over the NBC Blue on Friday, beginning at 10 P.M., under the sponsorship of Adam Hats. Sam Taub and Bill Stern will handle the broadcast.

FCC Calendar

WASHINGTON, Jan. 9.—A construction permit for a new station, to operate on 1,310 kilocycles with 100 watts power night, 250 watts day, has been asked of the Federal Commission by John R. Pepper, Greenville, Miss.

The commission has scheduled its broadcast hearings for the week, as follows:

Jan. 10: Applications of WKOK, Sunbury, Pa., for extension of time from specified hours to unlimited, and WSNJ, Bridgeton, N. J., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Jan. 11: Applications of Sweetwater Radio, Inc., for a new 1,210-kilocycle, 250-watt daytime station at Sweetwater, Tex., and KTEM, Temple, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day, and WJAC, Johnstown, Pa., for extension of time from sharing to unlimited.

Jan. 13: Applications of Charles Greenblatt for a 1,190-kilocycle station at Bridgeport, with 250 watts power, and WTHT, Hartford, for increase of day power from 100 to 250 watts.

WICA, Ashtabula, O., asks for an increase in power.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 7 NEW YORK, WEDNESDAY, JANUARY 11, 1939 TEN CENTS

Para. Sets Call Of $5,000,000 In Debentures

Authorized at Special Meeting of Board

Calling of $5,000,000 of Paramount's six per cent debentures at par, plus accrued interest, was authorized yesterday by the company's board of directors at a special meeting.

The call is to be made out of the company's excess cash balances, augmented by a small six-year bank loan. Indications are that the company's consolidated cash position will be in excess of $10,000,000 after the $5,000,000 of debentures have been called and paid for. The company's cash position was augmented recently by the repayment of advances made by the parent company to several subsidiaries to facilitate the debenture call. In some instances, bank loans were made by subsidiaries to be applied to the repayment of the parent company's advances.

$4,400,000 Left

With the retirement of the $5,000,000 of debentures, there will be outstanding only $4,400,000 of the original six per cent debenture issue of approximately $26,000,000. Approximately $12,000,000 of the six's have been exchanged for Paramount's 3¼ per cent debentures and the balance was purchased by the company in the open market. Interest savings to the company from the retirement of the six's amounts to approximately $1,000,000 annually. The exchange and retirement plans were conceived about two years ago by Barney Balaban,

(*Continued on page 3*)

Hays Speaker at Welfare Luncheon

Will H. Hays was the principal speaker yesterday at a luncheon meeting at the Waldorf-Astoria of leaders of national civic, educational, religious, welfare and youth organizations which maintain active motion picture committees. Their association with the industry, begun 17 years ago, is directed toward the improvement of picture quality and the quality of audience appreciation.

Hays expressed the appreciation of the industry to the groups and promised continued cooperation for their film work.

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Rogers Plans Film On Munich Parley

Hollywood, Jan. 10.—Charles R. Rogers is planning production of "That Crucial Night" based on activities in London during the Chamberlain-Hitler conferences in Munich. Randall Fave, British producer-director, who was conscripted at the time to dig trenches in London, is writing the story.

Data Is Filed To Accompany RKO Consents

W. Sorg, as agent of the Irving Trust Co., trustee of RKO, yesterday filed a list of debentures and other obligations totaling $10,450,800 inspected by him, which accompanied filed consents to the plan of reorganization of RKO. This procedure, according to Sorg's statement, filed with the list, is required in lieu of physical presentation of the debentures to Federal Judge Bondy.

The list itemized debentures as follows: $8,670,800 in 10-year six per cent gold debentures held by J. & W. Seligman & Co. as depository; $481,000 in six per cent gold notes, held by Atlas Corp.; $625,000 in unsecured six per cent notes held by The Ameri-

(*Continued on page 3*)

MPTOA Committee Will Meet Today on Trade Practice Pact

The M. P. T. O. A. executive committee will meet here today to coordinate the reactions of its affiliated units to the distributors' tentative trade practice draft. The committee will formulate its policy for future negotiations with the distributors' committee after consolidating these reports from the individual units.

Expected in New York today for the meeting are H. V. Harvey, San Francisco; Oscar Lam, Rome, Ga.; Charles E. Williams, Omaha; Arthur Lockwood, Middletown, Conn., and Lewen Pizor, Philadelphia. Ed Kuykendall, M. P. T. O. A. president, arrived earlier.

The M. P. T. O. A. committee will open negotiations with Sidney R. Kent, George J. Schaefer and Ned E. Depinet at the Union League Club tomorrow on whatever changes or additions to the draft are decided on at today's meeting.

Distributor representatives conferred briefly yesterday with representatives of unaffiliated regional exhibitor organizations on the latter's reactions to the tentative trade practice proposals. A. P. Archer, head of the T. O. M. of the Rocky Mountain Region, is here from Denver to confer with the distributors' committee. Harry Brandt, I. T. O. A. president, has also been in touch with the committee and a delegation from the I. T. O. of Southern California and Arizona is due here tomorrow for meetings with the distributors.

Plan Calls for Liquidation of Fox Theatres

Weisman Files Proposal In Federal Court

Milton C. Weisman, as receiver of Fox Theatres Corp., has filed a proposed plan of liquidation of the company in the U. S. District Court which, if adopted, will terminate his receivership by transfer of the assets of the company to two trustees to be appointed by Circuit Judge Martin T. Manton.

A closed hearing on the plan was held recently in Judge Manton's chambers. The hearing was on a legal point, and objectors were given until Jan. 12 to submit briefs. A decision is expected within two weeks.

Majority for Plan

The legal point involved is understood not to affect the terms of the plan to any extent. The plan is said to be favored by a great majority of the creditors and stockholders. One creditor submitted an alternative plan to the court providing for a corporate setup instead of the trustees. This has been turned down.

It is expected that Fox Theatres Corp. will be out of receivership in about two months, upon Weisman's filing of his final report as receiver. The corporation has been in receivership about seven years.

The plan provides a method of

(*Continued on page 3*)

"Jesse James"

[20th Century-Fox]

HOLLYWOOD, Jan. 10.—By every sign and indication, "Jesse James" is an entertainment bonanza and a box-office gold mine. There is no question that westerns hold an intimate place in the affections of the American theatre-going public, and this is a western plus.

Some fact, some fiction, some history and some imagination, it is the story of America's most glamorous outlaw. Sketchy, yet complete, it is screen merchandise of irresistible appeal to all types of audiences. Even the most critical of film-goers will applaud the excellence of production detail, the pictorial beauty provided by the complete use of color.

"Jesse James" is basically men riding horses, robbing banks and trains, shooting and killing, living and dying dangerously. It tells of a man who loved greatly, who was worshipped by his wife and friends, but who outraged every friendship. The railroad robbed Jesse James of his land and killed his mother. He swore vengeance. He ravaged the midwest, only to die by the hand of one of his gang.

It is a stirring story. The literary content, prepared by Nunnally Johnson, gives life and spirit to that quality, and Henry King's direc-

(*Continued on page 7*)

'Zaza,' Goodman Get Para. $50,000

"Zaza" opened an extended stay at the Paramount with an estimated $50,000 in its first week, aided by a strong stage attraction in Benny Goodman and his orchestra. "Going Places" at the Strand, with Louis Armstrong's band on the stage, is proving an attraction with $37,000 estimated for the first five days.

"The Beachcomber" drew an estimated $28,000 in its second week at the Rivoli and is continuing there. Fourth week of "Pygmalion" drew $16,000, estimated, at the Astor. "Grand Illusion" went into its 18th week at the Filmarte yesterday.

"Trade Winds" will open at the Music Hall tomorrow, and "Marie Antoinette" will start a popular price run at the Capitol. "Jesse James" is due at the Roxy Friday. "Heart of Paris" (Tri-National) opens at the Cinema 49 on Thursday.

Purely Personal

JOSEPH BERNHARD, GEORGE SKOURAS, CHARLES E. MCCARTHY, ARCH REEVE, DAN MICHALOVE, MARTIN BECK, SIDNEY PHILLIPS, MAX GORDON, MARK HEIMAN and I. J. HOFFMAN among those lunching at the Astor yesterday.

•

PERRY SPENCER, formerly of Loew's home office publicity department, has been appointed director of publicity and exploitation for Republic exchanges at Atlanta, Charlotte, Tampa, New Orleans and Memphis.

•

RAY MILLAND, who is to appear in a remake of "Beau Geste" for Paramount, and COL. H. GIRARD of the French Foreign Legion, who will advise on the film, arrive today on the *Paris*.

•

NEIL F. AGNEW, J. J. UNGER, CHARLES REAGAN, ROBERT GILLHAM and ALEC MOSS returned to New York yesterday from the Paramount district managers' meeting in St. Louis.

•

DENSMORE A. ROSS, general manager of Ross Federal Service, and F. X. MISKE, controller, have returned from a district managers' meeting in Miami.

•

JAMES F. PATTINSON, 20th Century-Fox British executive, who has been here for conferences, returns today on the *President Harding*.

•

ABE MONTAGUE, Columbia general sales manager, returns to New York Friday following a business and vacation trip to Honolulu.

•

Y. FRANK FREEMAN, Paramount studio head, is expected Friday from the coast for home office conferences.

•

BEN KALMENSON of Warners and MRS. KALMENSON return today from a Caribbean cruise.

•

ALAN F. CUMMINGS, M-G-M exchange operations head, goes to New Haven today.

•

JOHNNY MURPHY, assistant to JOE VOGEL at Loew's, is vacationing in Arizona.

THE MERCURY



OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury	Southerner
Lv. 5:10 p. m. (*only 3 stops*)	Lv. 10:45 p. m.

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AMERICAN AIRLINES Inc.

Insiders' Outlook

By SAM SHAIN

PERHAPS no man in the trade has had the all-around experience in show business which Dan Michalove has had. He knows the newspaper game, too, and he has served successfully in distribution, theatre operation, real estate, finance and even in the studios. Michalove was the first theatre man to undertake a study of production—from within. He served under Darryl Zanuck for a time. Since then, the swing to theatre men to operate the business end of production has come clear around. Today, there is Y. Frank Freeman, at the Paramount plant, and Cliff Work, at Universal.

All of which is recalled only because Michalove is back in town, after a survey of the Australian theatre situation for Sidney R. Kent.

▼ ▼

Exhibitors in Omaha voted "Alexander's Ragtime Band" the most popular film of 1938 as far as their city was concerned. A poll of 19 exhibitors by the *Omaha World-Herald* placed "Boys Town" second. The next eight films were "Hurricane," "Love Finds Andy Hardy," "Heidi," "You Can't Take It With You," "Robin Hood," "Snow White and the Seven Dwarfs," "Test Pilot," "Four Daughters."

▼ ▼

The Motion-Pictures-Greatest-Year drive is over. Time for inventory taking has arrived. Whether 2,000,000 Quiz applicants represent good results or not, now is the time for the industry to consolidate its goodwill position—with the press and the public. If the contest has brought gains to the business, now is the time to strengthen these gains and extend them.

Everyone knows that a good picture is the best path to the box-office—commercially speaking. Goodwill, however, is had from the heart.

Maybe the business has become too dependent upon formula. The old producers and the big circuit men are lazy. They are too prone to expect the sure-thing show before acting. They want to have a prepared alibi for the b. o.

▼

The National Association of Broadcasters doesn't like the Emanuel Celler bill for establishment of a radio broadcasting station by the Government in the Panama Canal Zone.

Representative Celler (D.-N. Y.) argues that a Government station is necessary "to counteract and checkmate the vicious and ruthless German propaganda by radio and short-wave pouring into all South American countries."

The N.A.B. fears that establishment of one station by the Government might lead to eventual complete Government ownership of the radio industry.

Last year Congress killed four similar bills.

▼ ▼

Show business must be more adventurous and therefore perhaps more romantic. That means more heart, too.

Maybe the business could use some of that old-time sparkle in showmanship and a bit more of the romantic spirit. The heart of show business was visible in the old days. So much of it was in the flesh, and it was felt. Today, it's in the can.

That's the difference but that doesn't mean that the sparkle is all gone.

It takes an adventurous and romantic spirit to create "Snow White" or a "Chicago" and a "Jesse James" and make them good. Or "Angels With Dirty Faces" and make that good. Or a "Boys Town."

▼

It's the spirit behind the film which the public is looking for and wants to understand and know. Maybe the last campaign didn't reveal it.

Therefore, the next campaign provides a wonderful opportunity to show that the business isn't altogether mechanical or clay and mortar, that it is a human business.

The next drive must be something more than advertising or a contest. And it must be directed by experienced public-minded individuals who talk the language of the trade and know its heart sufficiently to reveal it adventurously to the public.

★ *Fly United's DeLuxe* ★

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UNITED AIR LINES

★ The Main Line Airway ★

'Quiz' Judges to Hold Lunch Today

A luncheon will be held at the Waldorf-Astoria today, at which will be present the judges of the "Movie Quiz" contest. They include Mrs. Ogden Reid, Dr. James E. West, Homer Fickett, representing Congressman Bruce Barton, who is occuped in Washington, and Hendrik Willem van Loon. Mrs. Helen Wills Moody will not be present. She will not arrive from Los Angeles until next week.

The judges will discuss procedure in the handling of the contestant's answers in connection with the contest. All entries will be considered without signatures and will be identified by a key number. In this way even the judges will not know the identity of the contestants.

Install Officers of Film Board Tonight

Harry Hummell, newly elected president of the New York Film Board of Trade, and other officers for 1939 will be installed at the board office in the Paramount Building tonight.

The meeting will be followed by a dinner at the Diamond Horseshoe to be attended by new and outgoing officers and other branch managers.

To be installed with Hummell are: Edward H. Bell, Paramount, first vice-president; Robert J. Fannon, Republic, second vice-president; Jack Bowen, M-G-M, treasurer; Myron Sattler, Paramount, secretary, and David A. Levy, M-G-M, sergeant at arms.

Harry Burns Dies; Director and Editor

HOLLYWOOD, Jan. 10. — Harry Burns, 55, veteran director-actor and film trade paper editor, died last night of a heart attack. He came to the coast in 1915 and was director for Fox-Vitagraph. He was editor of the *Hollywood Filmograph* for several years. More recently he was on the advertising staff of the Quigley Publications in Hollywood.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square. W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

No Discussions on Maxwell-GB Option, Oscar Deutsch Says

LONDON, Jan. 10.—No discussions have taken place with Associated British, headed by John Maxwell, with regard to the old option to purchase shares in Metropolis & Bradford Trust, holding company for Gaumont British, Oscar Deutsch, head of Odeon Circuit, is quoted as saying to-J. in the *Financial Times*. It was indicated earlier this week that, in connection with the proposed Odeon-G. B. merger deal, no formal offer for the purchase of G. B. shares by Odeon is likely before March or April, pending an examination of G. B. properties. The shares in Metropolis & Bradford have been under option to Maxwell for a long period.

G. B. cannot dispose of the M. & B. shares optioned to Maxwell, without the approval of 20th Century-Fox, but Deutsch is quoted as declaring that 20th Century-Fox is agreeable to the sale. An offer is also likely to Associated British for 250,000 "B" non-voting shares. Reports in the London financial district have it that 20th Century-Fox is willing to sell 4,900 M. & B. shares at a suitable price.

Following the weekend reports, Odeon ordinary shares gained one shilling, to seven shillings, six pence, and the preference shares gained a shilling and six pence, to 15 shillings, six pence. G. B.'s 10-shilling ordinary shares gained nine pence, to four shillings, seven and one-half pence.

Schenck Statement

HOLLYWOOD, Jan. 10. — Joseph Schenck, when seen in Hollywood, said that 20th Century-Fox holdings in Gaumont British were not for sale.

Para. Sets Call of $5,000,000 in Bonds

(*Continued from page* 1)

president, and Stanton Griffis, chairman of the executive committee. Eventual retirement of the remaining six's is expected.

Wall Street estimates yesterday placed Paramount's 1938 earnings at around $4,200,000. The company's final quarter may have accounted for half this amount, but the improved business noted during that period shows indications of continuing.

No Film Measures Are Due in Texas

CHICAGO, Jan. 10.—No legislation regarding films is planned during the coming session of the Texas legislature, Governor Dan Moody declared here today. No divorcement bill will be proposed. Governor Moody said.

Aid Paralysis Drive

HOLLYWOOD, Jan. 10.—James Roosevelt, Joseph Schenck and Tyrone Power will fly to San Francisco tomorrow to attend a luncheon in the interests of the infantile paralysis drive.

Gordon Stricken

HOLLYWOOD, Jan. 10.—C. Henry Gordon was stricken on location at Stockton today and rushed to a hospital.

'Dear Octopus' Is Opening Tonight

"Dear Octopus," by Dodie Smith, opens tonight at the Broadhurst. It is a story of four generations gathered to celebrate the golden wedding anniversary of the oldest generation. Glen Shaw directed the staging and John C. Wilson is the producer. The cast includes Lucile Watson, Lillian Gish, Rose Hobart, Jack Hawkins, Margaret Dale and 12 others. The play was produced in London last September.

Brandt Calls Off Giveaway Parley

Harry Brandt, president of the I.T.O.A., has called off the scheduled meeting of the exhibitors' giveaway committee, which was to be held today at the Astor.

Brandt, who is an ex-officio member of the committee, is to continue discussions today with the distributors' trade practice committee which started yesterday. Brandt will attend today's conference with Milton C. Weisman, counsel of the I.T.O.A.

The giveaway committee was scheduled to meet to receive results obtained to date on a nationwide survey on cash giveaways, made in cities which have never used the stimulants and cities which had used them and eliminated them.

Data Filed to Go With RKO Consents

(*Continued from page* 1)

can Co.; $598,000 by Time, Inc., and $75,000 by Roy E. Larsen.

Irving Trust filed a list of 13 executory contracts of RKO and four unexpired leases of RKO which have been rejected and surrendered. The Irving Trust Co., in filing these lists, acted in compliance with an order signed by Judge Bondy, which directed the filing as a prerequisite to approval of the plan of reorganization.

No action has been taken by Judge Bondy on the signing of a formal order in conformity with his decision approving the proposed plan.

Liquidation of Fox Called For in Plan

(*Continued from page* 1)

liquidation after appointment of trustees over a period of years, dependent upon market conditions. In prefactory remarks to the plan, Weisman stated: "It appears to be commonly accepted that no sound basis exists for reorganizing Fox Theatres Corp. as a going concern since, in truth and in fact, it has no business, but is rather a holding company. A forced sale would fail to realize the real and potential assets of the company."

Poor business, plus the Government anti-trust suit, have made a sale of the assets at a "relatively reasonable price impossible," Weisman stated.

The plan, according to the receiver, will eliminate administration expenses.

Under the plan, creditors are divided into four classes: tax creditors, receivership creditors, preferred participants and participants. Tax and receivership creditors will be paid in full by the trustees. When the claims of the preferred creditors are finally determined by the court, the trustees will issue to them non-interest bearing preferred participating certificates for the face amount of their claims, less dividends already paid. The plan contemplates gradual retirement of preferred certificates, and upon complete retirement similar certificates will be issued to general creditors who will be paid on a pro rata basis. Assets of the company listed in a statement dated last Nov. 30 and included in the proposed plan itemized current assets at $150,785 and investments of four wholly owned subsidiary companies at $358,957. A claim against William Fox is set forth at $7,500,000. Total liabilities are listed at $8,100,350, plus a contingent claim of William Fox for $7,186,000. An eight per cent dividend on allowed claims of $8,100,350 has already been paid.

The proposed plan, it is believed, will not require the filing of consents by creditors but only the approval of Judge Manton. The concern is insolvent, according to the statement of Weisman, and there will be no payments to stockholders.

Joan Blondell Signed

HOLLYWOOD, Jan. 10.—Joan Blondell today signed for Universal's "East Side of Heaven."

The Newsreel Parade

Unconditional pardon of Tom Mooney by Governor Olson, nomination of Felix Frankfurter to the Supreme Court, Jackson Day dinner in Washington, and Secretary of State Hull returning from Lima are important events covered in the new issues of the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 35—Roosevelt speaks at dinner. Tom Mooney pardoned. Frankfurter named for Supreme Court. Hull home from Lima. Fashions in hair nets. Aviation show in Miami. Lew Lehr. Ice hockey. Dog-sled racing. Ski jumping.

NEWS OF THE DAY, No. 233—Mooney freed. Air races in Miami. Roosevelt attends dinner. Frankfurter nominated for Court vacancy. Hull returns. Dog-sled racing. Toboggan sleds in New Jersey. Wisconsin ski meet.

PARAMOUNT NEWS, No. 46—All-American air maneuvers. Democrats honor Jackson. Hull returns from Pan-American conferences. Shipwrecked crew rescued. Fire in coal mine. Roosevelt nominates Frankfurter to Supreme Court. French troops prepare for action. Olson pardons Mooney. Skiers search for snow. Outdoor sports in New Hampshire.

RKO PATHE NEWS, No. 50—Mooney pardoned. Frankfurter named for high court. Hull returns from Lima. Pacific coast storm. Jackson Day dinner. RKO talent search. Air show in Miami.

UNIVERSAL NEWSREEL, No. 735—Roosevelt speaks at dinner. Air meet in Miami. Hull arrives in New York. Mooney freed by Olson. Frankfurter named to Supreme Court position. Storm on West coast. Society dons fantastic hats. Motor snow plows in Washington. Ski meet in Iowa.

RCA Photophone Plans Sales Drive

CAMDEN, Jan. 10.—Detailed selling plans for RCA Photophone's products for 1939 were outlined by Homer B. Snook, reproducer sales manager, at the convention of sales and service representatives here. Edward T. Jones, advertising manager, followed Snook with an outline of an enlarged advertising and sales promotion campaign for the year.

Tomorrow the fifty Photophone men gathered here for the sessions will hear Max C. Batsel, chief engineer, tell of the work of the research and development laboratories of the company.

Thomas F. Joyce, RCA advertising manager, opened the convention with an address in which he said that progress in the motion picture industry is based on continual development in the laboratory. RCA's progress from the beginning of sound motion pictures parallels closely the progressive technical developments which have come out of the RCA laboratories in sound recording, reproducing and processing of sound track, he said. The laboratory, he added, will play the leading role in the company's future progress.

WPA Dismissal Meeting Tonight

Protest meeting against dismissal of 1,000 WPA workers engaged on the Federal Theatre Project has been called for 11:15 P.M. tonight at the Hudson. The meeting will be held under the auspices of the Federation of Arts' Unions, which represents all unions whose members are employed on the project.

The public has been invited to attend the meeting. Speakers will include Florence Reed, vice-president of Actors' Equity; Ralph Whitehead, executive secretary of the American Federation of Actors; Leo Fischer, executive secretary of the American Guild of Radio Artists, Mary Morris and Mada Reade of the Equity council. Several other actors have indicated an intention to address the meeting.

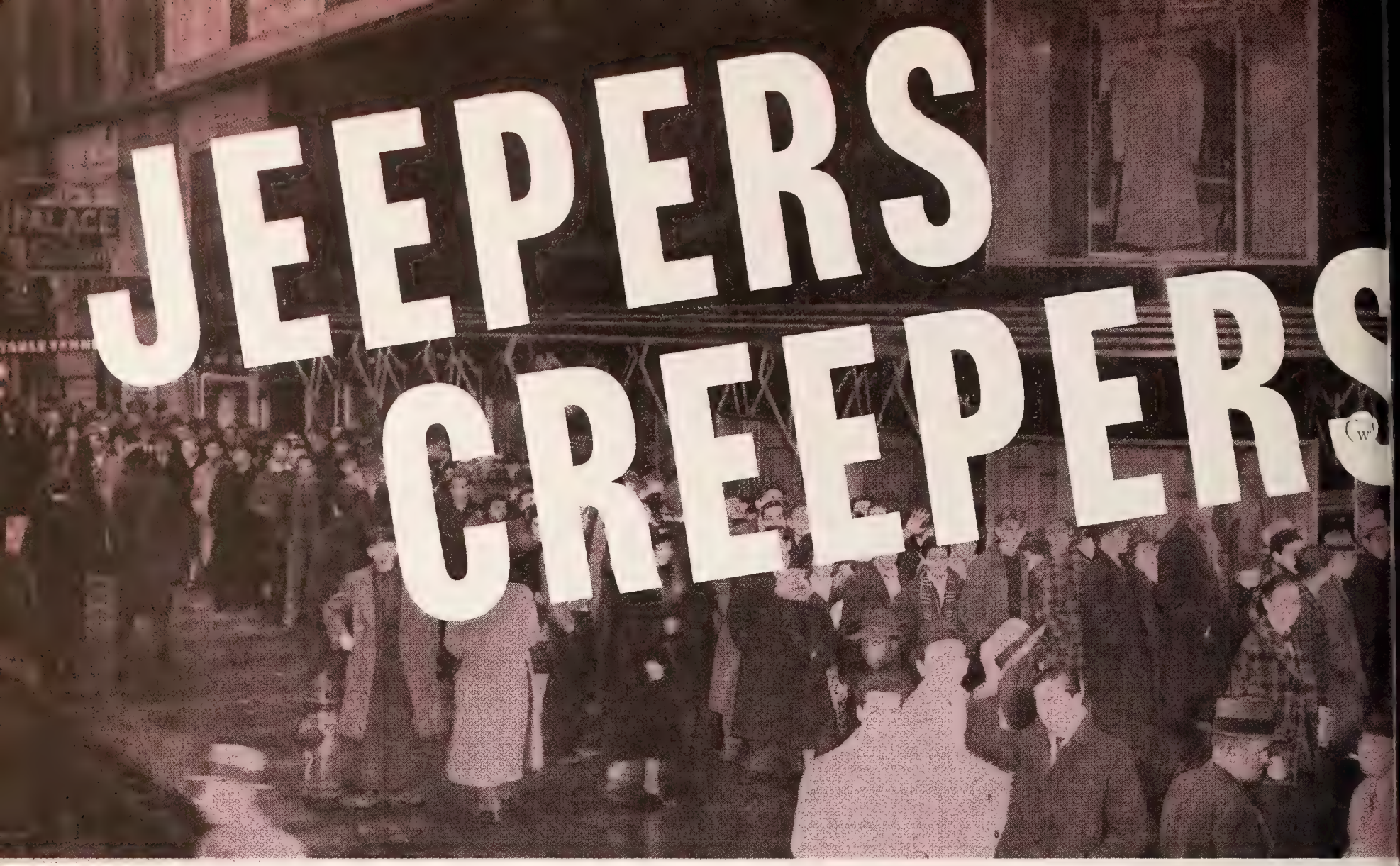
On Friday, the group will hold an outdoor meeting at Washington Square.

Frenchmen in Today For Fair Ceremony

Coming in for flag raising ceremonies at the French Pavilion of the World's Fair, Governor General Marcel Olivier will arrive today on the *Paris*. With him are Roger Expert, chief architect of the Pavilion, Henry Barbeau, general secretary of the French section, Pierre Titeux, technical advisor, Andre Prothin, engineer of the Parisian Village, and Fernand Chevalier, chief architect of the Annex of Overseas France. The ceremonies take place Friday.

Berman Buys Story

HOLLYWOOD, Jan. 10.—Pandro S. Berman has purchased "She Said I Do," *Redbook Magazine* story by Frank R. Adams, for a Ginger Rogers vehicle which Gregory LaCava will produce and direct. Miss Rogers first will do "Little Mother," which is scheduled to start in February.



THE N.Y. STRAND'S

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Such Fun!
Such Music!
Such Reviews!

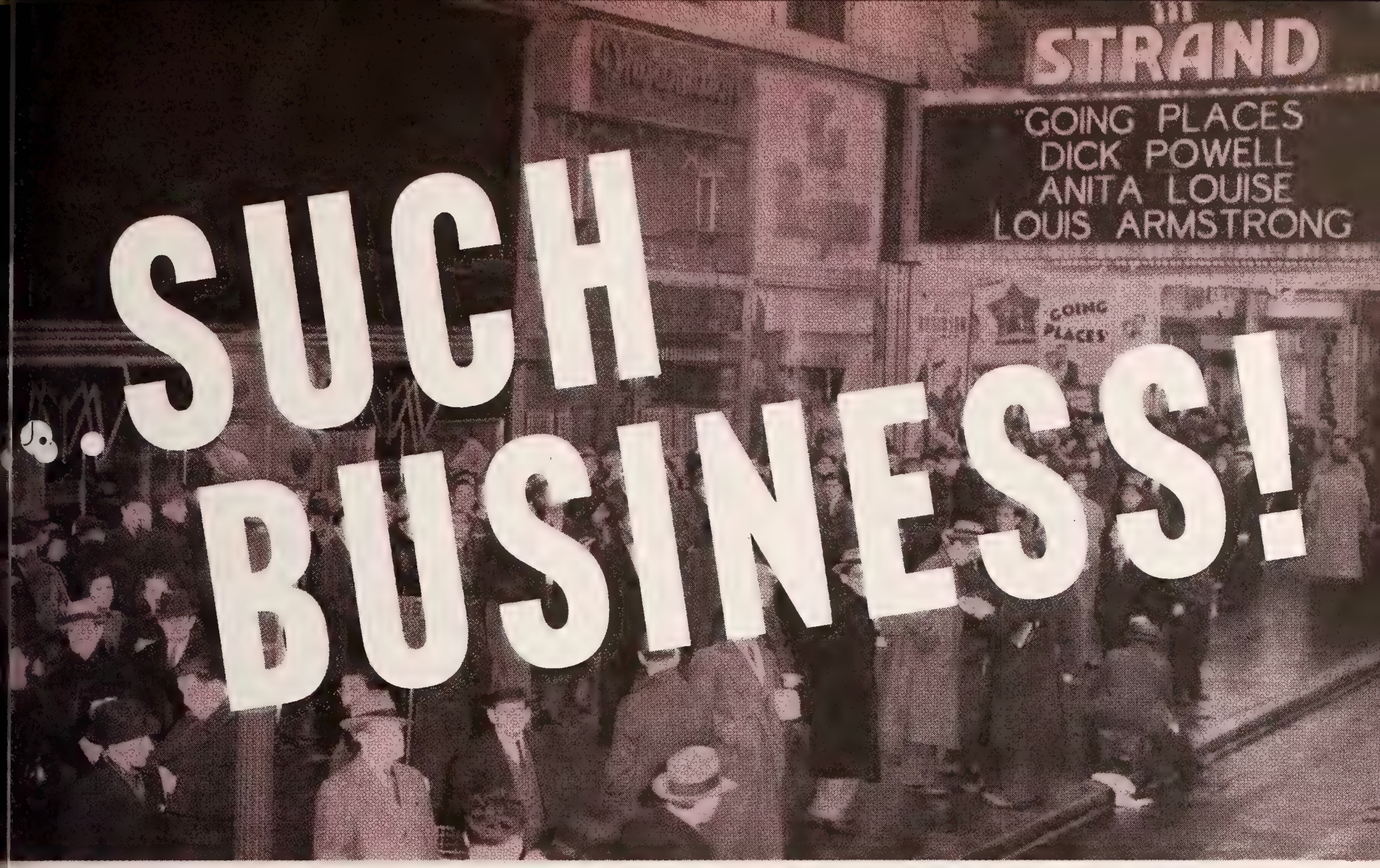
More Orchids!



Swell openings all over for that other sweet property

DEVIL'S ISLAND

Including the Victory, Dayton where it is BIGGEST SINCE 'ROBIN HOOD'!



SUCH BUSINESS!

PLACES

(Next to the top 4-day business of the past 7 months–and held over!)

with

DICK POWELL · ANITA LOUISE · RONALD REAGAN
ALLEN JENKINS · WALTER CATLETT · HAROLD HUBER
and
LOUIS ARMSTRONG · MAXINE SULLIVAN

Directed by RAY ENRIGHT • Screen Play by by Sig Herzig, Jerry Wald and Maurice Leo • Based upon the Play "The Hottentot" by Victor Mapes and William Collier, Sr. • A COSMOPOLITAN PROD'N • A First National Picture

AND SUCH RADIO PLUGS!



'Jeepers Creepers'
(How many times have *you* heard it this week? It's No. 1 favorite on every station!)
also *'Say It with a Kiss'*
'Mutiny in the Nursery'
All by Warren and Mercer

WARNER BROS., *Holdover Headquarters*

'Crime' With Vaude $19,400 Chicago Lead

CHICAGO, Jan. 10.—"Crime Takes a Holiday," at the State-Lake scored a $19,400 gross which is terrific for this house. The Oriental, with "Tarnished Angel," had a smash week with $18,400.

The Palace with Joan Davis in person and "Up the River" on the screen hit its highest gross in months, getting $26,000. "Sweethearts" at the U. A. and "Paris Honeymoon at the Chicago were also well over average. Other houses were satisfactory. The weather was unsettled most of the week.

Estimated takings for the week ending Jan. 4-7:

"Dramatic School" (M-G-M)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $7,000. (Average, $6,500)
"Paris Honeymoon" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Ina Ray Hutton & Band. Gross: $35,000. (Average, $32,000)
"Artists and Models Abroad" (Para.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $6,100. (Average, $6,500)
"Tarnished Angel" (RKO)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $18,400. (Average, $13,000)
"Up the River" (20th-Fox)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Joan Davis and Revue. Gross: $26,000. (Average, $19,000)
"Trade Winds" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 3rd week. Gross: $10,800. (Average, $11,000)
"Crime Takes a Holiday" (Univ.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Eight Acts of Vaudeville. Gross: $19,400. (Average, $12,000)
"Sweethearts" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $18,800. (Average, $15,000)

'Hardys' Is Smash Washington Gross, Tallying $29,500

WASHINGTON, Jan. 10.—"Out West with the Hardys" at Loew's Capital was a real smash, with $29,500.

Also sensational was the take for "Sweethearts," $24,000 at Loew's Palace.

Estimated takings for the week ending Jan. 5:

"Out West with the Hardys" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: 3 Slate Bros., Chas. Carlile. Gross: $29,500. (Average, $16,500)
"The Citadel" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 2nd week. Gross: $6,500. (Average, $4,200)
"Sweethearts" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $24,000. (Average, $11,500)
"Up the River" (20th-Fox)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $9,000. (Average, $10,000)
"Going Places" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Frolics of 1939. Gross: $15,500. (Average, $16,000)
"Dawn Patrol" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days, 2nd week. Gross: $4,200. (Average, $4,000)

Form Tri-Color Corp.

DOVER, Del., Jan. 10.—Tri-Color Corp. has been formed here to deal in motion pictures, with a capital of $540,000 and 1,000 shares, no par value. L. H. Herman, Walter Lenz and L. E. Gray of Wilmington are the incorporators.

Out Hollywood Way

HOLLYWOOD, Jan. 10. — JACKIE COOPER has been signed to a term contract with Paramount and will be starred in "What a Life," from the New York stage play. BETTY FIELD, from the stage cast, will play opposite COOPER. . . . BOB HUSSEY, radio contact man at Paramount, is a father. A daughter, 8½ pounds, was born to MRS. HUSSEY at the Cedars of Lebanon Hospital . . . MARIE WILSON has been loaned by Warners to 20th Century-Fox for "Rose of Washington Square" . . . SALLY BLANE will play opposite JIMMY NEWILL in Grand National's next "Renfrew" picture . . . GEORGE PETTY, cartoonist specializing in feminine figures' pictures, will collaborate with LE ROY PRINZ in staging a harem sequence for Paramount's "Man About Town" . . . TAY GARNETT is working on the treatment of "World Cruise," which he will direct for WALTER WANGER and in which he will utilize film shot by him on the European and North African portion of his recent world cruise.

✚

Casting—BINNIE BARNES and PHIL HARRIS have been signed for Paramount's "Man About Town," to star JACK BENNY and DOROTHY LAMOUR . . . KENNETH HARLAN to "On Trial," Warners . . . JANE DARWELL replaces ELIZABETH PATTERSON in Paramount's "Grand Jury Secrets." MISS PATTERSON has been loaned to 20th Century-Fox for "Alexander Graham Bell" . . . JOHN RUSSELL has been borrowed from 20th Century-Fox for Warners' "Hero for a Day" . . . IRVING BACON to "Blondie Steps Out," Columbia . . . JOHN CARROLL has been borrowed from Monogram by Columbia for "Plane No. 4," in which RAFAEL CORIO also has been set . . . RICARDO CORTEZ temporarily drops his directorial duties to became an actor again for 20th Century-Fox' "Charlie Chan in Reno" . . . HARRY DAVENPORT to "Alexander Graham Bell," 20th Century-Fox . . . FAY BAINTER to Warners' "Fly Away Home" . . . WALTER KINGSFORD to "Juarez," Warners . . . WILLIAM COLLIER, SR., to "Invitation to Happiness," Paramount . . . ROBERT PRESTON draws an important role in Paramount's "Beau Geste" . . . RAYMOND HATTON gets the comedy lead in "Rough Rider Patrol," ROY ROGERS western at Republic.

✚

Writers—DALTON TRUMBO and FRED JACKSON have joined Grand National's writing staff to work under JACK SKIRBALL.

✚

Directors—LLOYD BACON will guide "The Roaring Road," auto racing picture, at Warners.

✚

Titles—The next Torchy Blane picture at Warners will be titled "Torchy Walks In" . . . Republic has changed the title of "Ridin' the Range," GENE AUTRY picture, to "Home on the Prairie."

'Sweethearts' Draws $11,300 in New Haven

NEW HAVEN, Jan. 10.—"Sweethearts" led at the Loew-Poli, with $11,300. "Dawn Patrol" and "Youth Takes a Fling" at the Roger Sherman drew $6,500. "Paris Honeymoon" and "Personal Secretary" grossed $6,000 in eight days at the Paramount.

Estimated takings for the week ending Jan. 6:

"Kentucky" (20th-Fox)
"A Christmas Carol" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,100. (Average, $2,500)
"Sweethearts" (M-G-M)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $11,300. (Average, $8,000)
"Paris Honeymoon" (Para.)
"Personal Secretary" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $6,000. (Average, $4,400)
"Dawn Patrol" (W. B.)
"Youth Takes a Fling" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,500. (Average, $4,700)

Loew's Managers in New York Are Moved

Loew circuit in New York has made a number of personnel shifts, as follows: Murray Sharf, assistant at the State, promoted to manager of the Alpine in Brooklyn, replacing Wilfred Simon, who has been switched to the Century; W. Woolfolk, Century manager, becomes relief manager; Paul Murphy, assistant at the Orpheum, replaces Sharf at the State.

George Ruggles, assistant at the 167th St., has been switched to the Orpheum; John Napoli, assistant at the Borough Park, to the 167th St.; Albert Ellner, from the Hollywood to the Borough Park; Nathan Bernstock, from the Post Road to the Hollywood; Reginald Forsyth of the Apollo, promoted to assistant manager at the Post Road.

Theatres Worried On Wisconsin Tax

MILWAUKEE, Jan. 10.—Exhibitors are concerned over legislative prospects for the 1939 session with a new governor and party in power in the state.

Indication of what might be expected in the way of tax legislation was the suggestion by Gov. Julius P. Heil at a recent budget hearings that a "luxury" tax be enacted to help meet pressing expenses.

While a proposed tax on theatre receipts has been unsuccessful in previous legislatures, it is possible that such a tax might meet with a friendly reception at the coming session.

Mexicans Produced 58 Pictures in 1938

MEXICO CITY, Jan. 10.—Estimates made recently that Mexican production this year would total only 40 features because of labor troubles during the summer, have been revised, a check showing that at least 58 features have been produced this year. Producers worked long hours to get as many pictures finished as possible.

Mexico began making talking films in 1931. In that year but two features were made. The output steadily increased to 42 last year. Higher picture output has increased the number of studio workers.

Para. Signs Paul Jones

HOLLYWOOD, Jan. 10.—Paul Jones has been signed to a new five-year contract as Paramount producer. He is now working on "I'm from Missouri."

'Artists' at Head Of Detroit Climb, Garners $20,000

DETROIT, Jan. 10.—With the aid of midnight shows New Year's Eve, grosses here enjoyed a real spurt. "Artists and Models Abroad" and "Comet Over Broadway" drew a handsome $20,000 at the Michigan. "Kentucky" at the Fox, with Tony Martin and Lola Lane on the stage, took $28,000, and "Sweethearts" garnered $17,000 at the United Artists. All houses were over average.

Estimated takings for the week ending Jan. 5:

"Thanks for Everything" (20th-Fox)
"Up the River" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $6,000. (Average, $5,000)
"Kentucky" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage: Tony Martin, Lola Lane, The Del Rios, James Evans. Gross: $28,000. (Average, $20,000)
"Artists and Models Abroad" (Para.)
"Comet Over Broadway" (W.B.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $20,000. (Average, $10,000)
"Dawn Patrol" (W.B.)
"The Mysterious Rider" (Para.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $11,000. (Average, $5,000)
"Sweethearts" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $17,000. (Average, $10,000)

'Sweethearts' Is $14,000, Montreal

MONTREAL, Jan. 10.—"Sweethearts" at the Palace drew $14,000. "Artists and Models Abroad" took $11,000 at the Capitol, while "Annabel Takes a Tour" and vaudeville brought $9,000 to Loew's.

"The Sisters" and "Over the Wall" registered $8,000 at the Princess. Opposition was Helen Hayes in "Victoria Regina" at His Majesty's.

Estimated takings for the week ending Jan. 7:

"Artists and Models Abroad" (Para.)
CAPITOL—(2,547) (25c-55c-65c) 7 days. Gross: $11,000. (Average, $9,500)
"Annabel Takes a Tour" (RKO)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Folies de Paris vaudeville unit, Gross: $9,000. (Average, $8,000)
"Trade Winds" (U. A.)
"Little Orphan Annie" (Para.)
ORPHEUM—(919) (25c-35c-50c), 7 days. Gross: $3,500. Second week. (Average, $5,000)
"Sweethearts" (M-G-M)
PALACE — (2,600) (25c-55c-65c) 7 days. Gross: $14,000. (Average, $11,000)
"The Sisters" (W. B.)
"Over the Wall" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $8,000. (Average, $7,000)

Charges Are Slashed By Censor in Kansas

KANSAS CITY, Jan. 10.—Fifty per cent reduction in fees for inspection of original prints by the Kansas State censor board has gone into effect. Maximum charge of $2 per reel for originals will be reduced to $1, but a $1 charge for duplicate prints will remain the same.

Film companies will save approximately $5,000 annually out of estimated yearly fees of $30,000.

G. N. Moves Office

CLEVELAND, Jan. 10. — Grand National has moved into its new quarters in the Film Building there. John Himmelein is local manager.

Columbia Signs for Six Spanish Films

Columbia has signed with Producciones Grovas and Jose Luis Bueno, Mexico City producers, who are to produce three features each to be distributed by the company during 1939-'40 in Latin America and other Spanish language countries. World rights have been obtained.

Additional Spanish language films may be released by Columbia during the new season, and the list may go to nine. Currently the company is distributing three Spanish language films.

Producciones Grovas now has in work its first film for Columbia. This is "Cada Loco con su Tema," a comedy, with a cast including Enrique Herrera, Gloria Marin and Joaquin Pardave.

The other producer, Bueno, will start his first film this month, also a comedy. Chato Ortin will star and Robert O'Quigley will direct.

Academy Group Will Study Camera Award

HOLLYWOOD, Jan. 10.—Nathan Levinson, chairman of the Technicians' Branch of the Academy, has named a committee to consider possible changes in the rules governing the annual Academy camera award.

Included are: Joseph Valentine, chairman; John Arnold, Joseph August, Norbert Brodine, Edward Cronjager, Arthur Edeson, William Eglinton, George Folsey, Jr., Fred Gage, Merritt B. Gerstad, Byron Haskin, C. Roy Hunter, Thomas Ingman, Ray June, E. B. McGreal, George B. Meehan, Jr., Virgil Miller, Victor Milner, Ira Morgan, L. William O'Connell, Emil Oster, George Robinson, Roy Seawright, George Seid, Karl Struss, Allen Thompson, Joseph Walker, Vernon Walker, Lester White, Ray Wilkinson.

'Lincoln' to Start New Warner Series

HOLLYWOOD, Jan. 10.—First short subject to be handled by the newly created Americanism Department of Warners will be "Lincoln in the White House."

The newly formed bureau is in charge of Jack Holmes, working under the supervision of Robert Taplinger, publicity director, and its function will be to cooperate with the American Legion and other patriotic groups.

Baer to Star in 6 Westerns for G. N.

Grand National has signed Max Baer, boxer, for a series of six westerns, to be produced on the coast by Arcadia Pictures. The films, as yet untitled, will be released during the current season. Baer arrived in New York yesterday to attend to several business matters, and will return to the coast shortly for the start of production.

Bachelor Dinner to Fox

ALBANY, Jan. 10.—Phil Fox, Columbia branch manager, will be given a bachelor dinner in the DeWitt Clinton Hotel next Monday. Fox is to wed Ida Perlstein in Boston Jan. 29.

Hollywood Preview

"Jesse James"

(Continued from page 1)

tion has done much to accentuate it. There are many great episodes in this pictorial saga of a bad man. For example, the sequence in which Frank James delivers Jesse from the soldier-guarded jail will set pulses beating faster. Others, his parting with his wife, being away when their child is born; his return to find her gone, and when he rejoins her after a debacle only to meet death, will stir the emotions and perhaps bring a tear or two. There is comedy, as well as when Jesse rams his death warrant down the throat of a railroad official.

For exhibitors and the picture's drawing power there is Tyrone Power, who here demonstrates his right to rank as a box-office champion. The work of the support is of high caliber, including Henry Fonda, Nancy Kelly, Randolph Scott, Henry Hull, Slim Summerville, Brian Donlevy, John Carradine and Donald Meek, and many others.

"Jesse James" sets a high standard. Those concerned in its production at 20th Century-Fox have welded into it the elements of romance and drama naturally appealing to every audience group. It is up to the exhibitor to let the public know about it. The exploitation material in the film is almost unlimited. The picture offers ample opportunity to reap a rich box-office harvest.

Running time, 107 minutes. "G."* G. McC.

*"G" denotes general classification.

Two Projectionists Bill Up in Albany

ALBANY, Jan. 10.—Assemblyman Robert Crews, Republican, of Brooklyn, has introduced a bill in the New York legislature which provides that two projectionists must be in film theatre booths at all times, in first class cities.

The bill is backed by the I. A. T. S. E. and the State Federation of Labor. The measure also would restrict persons other than licensed operators from being in the projection booth while the equipment is in operation.

Projection Society Is Headed by Bendheim

Officers of the American Projection Society, installed by P. A. McGuire of International Projector, are headed by Edward McD. Bendheim, president. Other officers are: Alfred R. T. Bishop, vice-president; Frank McMahon, secretary; James Ambrosio, treasurer; Jack Chulchian, sergeant-at-arms. Board of governors includes Ed Ferris, Ed Levene, Fred D. Smith, Alex Polin and Tony Rugino.

Delay Huston Luncheon

Walter Huston testimonial luncheon scheduled for Friday in the Federation of Jewish Charities drive has been postponed. A date is to be set. The luncheon is sponsored by the legitimate theatre division of the drive. William Klein, attorney for the Shuberts, is chairman.

Pick 'Roaring Nineties'

HOLLYWOOD, Jan. 10.—Warners has selected "The Roaring Nineties" as the final title of "And It All Came True," the novel by Louis Bromfield.

Retitle 'Valiant'

"The Valiant," French film released in this country by Tri-National films, has been retitled for the American market, to "Heart of Paris."

'Captain Fury' Started

HOLLYWOOD, Jan. 10.—William deMille's first picture as supervisor on the Hal Roach lot is "Captain Fury," formerly "Captain Midnight," which has started shooting. Heading the cast are Brian Aherne, June Lang, Victor McLaglen, Virginia Field, John Warburton and Margaret Roach, the latter the producer's daughter.

C.E.A. Council to Study Duals Today

LONDON, Jan. 10.—General Council of the Cinematograph Exhibitors' Association, meeting tomorrow, is expected to face a rebellious group of independents. The new committee formed to study the problem of two "A" features on a single program is expected to demand that the officers accompany them in approaching the circuits on the matter.

If this is not done, it is understood, the group will ask the Kinematograph Renters Society (distributors) to set up a joint grading system with the C.E.A.

The new committee also is expected to examine thoroughly the effects of the Quota Act on the exhibitors, with emphasis on the current film shortage. The group also will examine into and report on the present position of the independent exhibitor in the face of large circuit mergers, such as that proposed between Gaumont British and Odeon.

The council will be asked to ignore the reductions in service charges made by Western Electric, and suspend renewals pending comparison with other companies.

Roman Handles Revivals

Ben Roman is handling the booking of "Morocco" and "The Spoilers" for Paramount. The films were originally released in 1930. Both star Clark Gable. "Morocco" goes into the Terminal, Newark, the week of Jan. 21. Roman is handling the revivals in New York and New Jersey.



Topper's back with that dame!

Erwin Wasey Tops Mutual Agency List

Annual report of the Mutual Broadcasting System shows that of the 49 advertising firms that used the network's facilities during 1938, chief purchasers of time were sponsors using special cooperative hookups, with an outlay of $303,738. Remaining trio in the first division of time buyers are Bayuk Cigar Co., $259,436; Gospel Broadcasting Association, $182,842 and Gordon Baking Co., $182,574. Total time sales during the past year amounted to $2,920,323—the largest total in the five-year history of the network.

Billings by agencies reveals Erwin Wasey & Co. in the van of 52 advertising agencies, with an outlay for clients amounting to $397,393. Ivey & Ellington, $259,436; Ruthrauff & Ryan, $244,411 and R. H. Alber & Co., $182,842, complete the top division.

Billings by the leading 25 advertisers, in order of expenditures, follow:

Special cooperative hookups, $303,738; Bayuk Cigar Co., $259,436; Gospel Broadcasting Ass'n, $192,842; Gordon Baking Co., $182,574; Ironized Yeast Co., $179,724; Lone Ranger (cooperative), $149,586; General Mills, $137,492; P. Lorillard Co., $99,948; Lutheran Layman's League, $94,034; Vadsco Sales Corp., $83,620; Philip Morris Co., $78,310; Journal of Living Publications, $72,166; J. B. Williams Co., $70,426; Wheeling Steel Corp., $68,215; Hecker Products Corp., $65,421; Musterole, $63,464; Lambert Co., $58,108; D. L. & W. Coal Co., $53,872; Show of the Week (local cooperative), $49,996; 30 Minutes in Hollywood (local cooperative), $48,809; Brown & Williamson Tob. Co., $48,650; Elizabeth Arden, $41,958; Wheatena Corp., $38,257; American Tobacco Co., $37,886; Kellogg Co., $36,844.

Top Agencies

The leading 25 agencies, and expenditures for time, follow:

Erwin Wasey & Co., $397,393; Ivey & Ellington, $259,436; Ruthrauff & Ryan, $244,411; R. H. Alber Co., $182,842; Young & Rubicam, $182,574; Blackett-Sample-Hummert, $137,492; Franklyn Bruck, $110,926; Lennen & Mitchell, $99,949; Redfield-Johnstone, $98,805; Kelly, Stuhlman & Zahrndt, $94,034; Biow Co., $91,071; J. Walter Thompson, $87,450; Critchfield Co., $82,473; Russell M. Seeds Co., $73,615; Albert M. Ross, $64,663; Lambert & Feasley, $58,108; Scholtz agency, $53,742; Lord & Thomas, $49,217; N. W. Ayer & Son, $46,844; Cecil, Warwick & Legler, $41,958; Rohrabaugh & Gibson, $38,257; Roche, Williams & Cunningham, $31,721; Badger & Browning, $29,358; Klepper Co., $28,750, and Batten, Barton, Durstine & Osborn, $27,221.

Howe Heads Fair Radio

San Francisco, Jan. 10.—Appointment of Arthur Howe, veteran in west coast radio circles, as director of radio for the Golden Gate International exposition, has been confirmed by fair executives. Howe takes charge at once. Howe will succeed Art Linkletter, who remains in another post at exposition headquarters.

Radio Personals

Stanley G. Swanberg, vice-president of Botsford, Constantine & Gardner advertising agency of the west coast, is in New York on a trip to line up new business. . . . Will Yolen of the Tom Fizdale office, out of the hospital and back at work after three weeks in the hospital for a stomach operation. . . . Tom Fizdale, head of the publicity office, in town for the next six weeks. . . . Douglas Fairbanks, Jr., will be interviewed by Radie Harris over Mutual tomorrow night.

Four GE Television Stations Approved

Washington, Jan. 10.—Construction of four television transmitting stations by the General Electric Co. has been authorized by the Federal Communications Commission.

The stations will be licensed experimentally; two will be located at Schenectady, N. Y., to operate with a frequency band of 42,000 to 56,000 kilocycles, and the others will be located at Albany and Bridgeport, respectively, operating in the frequency band 60,000 to 86,000 kilocycles. The stations will have a power of 40 watts.

WKRC Gets Donohoe, Transfers Two Others

Cincinnati, Jan. 10.—Local radio staff changes include addition of Thomas Donohoe, from CBS, New York, to WKRC, local Columbia owned and operated station; Robert DeHart, engineer, transferred to Boston, and Ed Hamel, supervisor, to Chicago. Succeeding them are Don Hulce, from Chicago, and R. G. Webster, from Chicago.

Berry Arnold, with the dramatic staff of KXOX, St. Louis, for six months, has returned to WLW to play the role of "Rita" in "The Mad Hatterfields." She created the role two years ago.

Harry Schuler, for a year program director of WSAI, has been transferred back to salesman for that station.

Palmer Quits Paper For Talent Program

Ralph D. Palmer has resigned as drama and film editor of the *World-Telegram* to handle the eastern area for Jesse L. Lasky's "Gateway to Hollywood" talent search, which is tied in with RKO and CBS programs.

Palmer has been succeeded on the paper by Frank T. Farrell, former rewrite man. Palmer has left on his first trip, acting as liaison between the film company, Lasky and the network.

Darrell Donnell of Hollywood is handling the area west of the Mississippi.

John Fox on CBS Ads

John Fox, production manager of CBS sales promotion department for the past several years, has been placed in charge of space buying for CBS trade paper advertising, effective at once.

Highest Studio

Beginning Sunday, the "People's Rally," Mutual audience participation series, will come from the highest studio in radio—50th floor of the Chanin Building. Mennen & Co., the sponsor, has leased the "Skytop" theatre in the building.

Willis Heads CBS Short-Wave Unit

Frederic Willis, CBS vice president and assistant to President William S. Paley, has been named director of the network's short-wave department, and will henceforth divide his activities between both posts. Elizabeth Ann Tucker will remain in charge of the short-wave department, operating under Willis' supervision.

Meanwhile at CBS, publicity director Louis Rupel has instituted several changes in the department. Hal Davis has been shifted to the night side, Wade Jones of the night staff has been transferred to the news division, Wally West has been taken off the desk and assigned to cover television, short-wave operations and publicity of the network's newly acquired American Record Corp., and Jack Hoins, formerly of the *Daily News*, today joins the department as copy desk editor.

Miller Will Address N. A. B. Denver Meet

Denver, Jan. 10.—Neville Miller, president of the National Association of Broadcasters, is scheduled to address the convention of the 14 district of the N.A.B. at the Albany Hotel here Jan. 18 and 19. Miller is expected to talk on program standards. He is expected to be accompanied by other key men from the Washington headquarters. After the convention here they will go on to the west coast for similar meetings there. Gene O'Fallon, KFEL manager, and director of this district, will have charge of the sessions. Matters to be discussed include Ascap, the musicians' contract and press-radio relations.

Thirty-six stations in Colorado, Utah, Idaho and Wyoming, including 20 N.A.B. members, have been invited to send delegates, and more than half have signified their intention to be represented.

Links Newfoundland With Outside World

Montreal, Jan. 10.—Newfoundland has been linked with Canada and the world. Lord Tweedsmuir inaugurated a new radio telephone circuit by calling Sir Humphrey Walwyn, Governor of Newfoundland, from Ottawa, officially placing the circuit in operation. R. M. Brophy, general manager of the Canadian Marconi Co., also took part in the opening ceremonies. Linkage of Newfoundland to the outside world was made possible by combining the resources of the Avalon Telephone Co. of Newfoundland, Canadian Marconi Co., and Bell Telephone Co.

AFRA Walks Out Of Agency Parley

Negotiations between the American Federation of Radio Artists and the American Advertising Agency Association collapsed yesterday when the representatives of the talent union walked out of yesterday's conference, stating that no good purpose can be accomplished by further parleys.

For the first time in the year of negotiations, the 4-A's committee yesterday submitted a written memorandum containing suggested minimum scales of payment for artists and announcers working in sponsored network programs. What rates were suggested by the 4-A's is not known, but the AFRA committee states that the rate of pay suggested by the agency body was far below the minimum now received by sponsored network artists.

Recently, AFRA had submitted its own scale, but it was rejected by the 4-A's as too high.

What action AFRA will take in the future will be determined at a national board meeting tomorrow.

Representing AFRA at yesterday's meeting were New York president Emily Holt, George Heller and Sam Jaffe, and as observers for AFRA, Mark Smith, Alex McKee and Nelson Case of New York, Jean Hersholt of Hollywood and James P. Holmes of Chicago. 4-A's were represented by 11 advertising agency executives.

Two Standard Shows Get Canada Outlets

Two Standard Brands accounts, the Chase & Sanborn Hour, and the program of talks by Dr. Stidger, plus the Carnation Contented Hour, have just signed contracts for outlets or the programs in Canada.

The programs will add immediately 27 stations of the Canadian Broadcasting Corp. covering the Maritime, Ontario, Prairie and British Columbia regions.

FCC Calendar

Washington, Jan. 10.—Federal Communications Commission has granted a construction permit to S. B. Quigley, Mobile, Ala., for a new 1,200-kilocycle, 100-watt daytime station, and approved an application of WGNY, Newburg, N. Y., for change of frequency from 1,210 to 1,220 kilocycles, increase of power from 100 to 250 watts and change of time from sharing to day.

A number of broadcasting cases were set for hearing, including the applications of Birney Imes, Columbus, Miss., for a new 1,370-kilocycle station to operate with 100 watts night, 250 watts day; Thomas R. McTammany, Modesto, Cal., for a 1,340-kilocycle, 250-watt station, and KFAB, Lincoln, for change of frequency from 770 to 1,080 kilocycles, extension of time from sharing to unlimited, and increase of power from 10,000 to 50,000 watts; WFBG, Altoona, Pa., for extension of time from sharing to unlimited; and WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 8 NEW YORK, THURSDAY, JANUARY 12, 1939 TEN CENTS

U.A. Partners Again Ironing Out Troubles

Coast Meeting Considers Profit-Sharing Plan

HOLLYWOOD, Jan. 11.—Many problems are being ironed out at the United Artists meetings now going on here. The U. A. stockholders will take up their newly devised profit-sharing plan, besides the coming season's picture schedule.

The matter of the presidency may be decided at today's shareholders' meeting. Additionally, Maurice Silverstone, operating head of the company, may name a general sales manager, before he returns east.

Alexander Korda's problems relating to his releasing arrangement with U. A. also are to be settled.

Whomever Silverstone selects to head sales, he will be from within the fold. The most likely men are Jack Schlaifer and Harry Gold, western and eastern division sales managers, respectively.

On the question of the presidency, none other than Maurice Silverstone can be named, except by unanimous vote of the shareholders.

Independent Seeks To Quit B & K Suit

CHICAGO, Jan. 11.—A motion by Goodman & Harrison, prominent independent exhibitors here, for leave to withdraw as plaintiffs in the pending anti-trust suit of local independents against B. & K. and major distributors will be heard by Federal Judge Wilkerson Thursday morning.

Motion was made in Federal court today by personal attorneys for Goodman & Harrison, although counsel for the exhibitor plaintiffs in the anti-trust action is the firm of Rosenberg & Stein.

The move came as a surprise to the local trade which believes that, if the court authorizes the withdrawal, it may have a serious bearing on the case, particularly with regard to the taking of the independent exhibitors' depositions, which is scheduled to begin Friday. Officials of the Goodman & Harrison firm had been subpoenaed to appear and give their depositions concerning the company's profits and losses, resources, liabilities and operating data.

Radio—Page 8

Niles Celebrates 50 Years as Exhibitor

Anamosa, Ia., Jan. 11.—Clifford Niles, well known midwestern exhibitor, is this week celebrating his 50th anniversary in the show business.

Free shows, food and other activities made yesterday a memorable one for this Iowa showman.

Vote "Snow White" Best 1938 Picture In Film Daily Poll

"Snow White and the Seven Dwarfs," the Walt Disney cartoon feature, was selected as the best picture of 1938 by the country's film critics, in the 17th annual "Ten Best" poll conducted by *Film Daily*.

The following nine productions, in the order of their selection were: "You Can't Take It With You," "Alexander's Ragtime Band," "Boys Town," "Marie Antoinette," "In Old Chicago," "The Adventures of Robin Hood," "The Citadel," "Love Finds Andy Hardy" and "The Hurricane."

A total of 536 critics responded. "Snow White," first cartoon to receive the award, polled 419 votes, leading "You Can't Take it With You" by 47 votes. "Alexander's Ragtime Band" and "Boys Town" received more than 300 votes each.

Of the 10 best, M-G-M had four, one made in England; 20th Century-Fox had two, while Columbia, RKO, Warners and United Artists (Samuel Goldwyn) each had one.

ARBITRATION SEEN AS PACT HURDLE

Divorcement Called for in Nebraska Bill

LINCOLN, Jan. 11.—Bill prohibiting ownership or operation of theatres in Nebraska by any producer or distributor was introduced in the state unicameral legislature today by Senator E. M. Neubauer of Orleans.

Bill, which is the first affiliated theatre divorcement measure to be introduced in a state legislature this year, would make any producer-exhibitor partnership or company convicted of a violation liable to a maximum fine of $10,000 and a year in prison.

Other sections of the same bill propose placing distributors under regulation of the State Railway Commission, establishing an annual license fee of $1,000 per exchange and creating a $1 per reel tax on all film licensed within the state.

North Dakota's theatre divorcement statute, only one now in existence, will come before the U. S. Supreme Court early in March for argument on its constitutionality. The law was upheld by a three-judge Federal statutory court last year. The Nebraska law is similar to the North Dakota measure.

Exhibitors Said to Favor It While MPTOA Is for Conciliation

Arbitration procedure that will satisfy the Government from a legal standpoint is a major problem of the trade practice negotiations currently under way between the distributors and exhibitors.

While the M.P.T.O.A. favors conciliation wherever practical and looks upon this as a local problem, it is understoood that many of the unaffiliated exhibitor units favor arbitration for settling trade disputes.

Trade practice sessions enter their third day today at the Union League Club. The conferences deal with modifications of the first draft of the program proposed by the distributors some time ago after a series of preliminary negotiations with exhibitors.

Meet Distributors

Today the M.P.T.O.A. executive committee will meet with the distributors' group which includes S. R. Kent, William F. Rodgers, George J. Schaefer and Ned E. Depinet. Some of the unaffiliated exhibitors who have been conferring with the distributors since Tuesday also may attend today's sessions.

Those who attended the meetings Tuesday and yesterday include Harry Brandt, Leo Brecher and Leon Rosenblatt, representing the New York I.T.O.A., with William C. Weisman,

(*Continued on page 4*)

Academy Names Awards Committee; Meets Today

HOLLYWOOD, Jan. 11.—Members of the committee for the eleventh annual awards of merit of the Academy of Motion Picture Arts and Sciences were named today. The committee will meet tomorrow night.

Representing the Academy proper on the committee, which will consider any possible minor changes in procedure, will be Frank Capra, Academy and Screen Directors' Guild president, W. S. VanDyke and Howard Estabrook.

Representing the Screen Actors' Guild are: Gene Lockhart, Charles Trowbridge and Reginald Denny.

Screen Writers' Guild will be represented by Frances Goodrich, Albert Hackett and Sheridan Gibney. Other representatives of the directors' guild are John Cromwell, Clarence Brown and George Marshall.

Darryl F. Zanuck, Jack L. Warner and Louis B. Mayer will represent the producer branch of the Academy and Cedric Gibbons, Nathan Levinson and Joseph Valentine the technicians' branch. Alternates are Walter Kingsford, Anatole Litvak, Henry Hathaway, George Oppenheimer, Gilbert Gabriel, Melville Baker, Pandro Berman, William LeBaron, Hunt Stromberg, Hans Dreier and Vernon Walker.

Tentative date for annual awards banquet is set for March 9. Nominations are due late this month and final balloting in February.

'Mikado' Lavish

London, Jan. 11.—"The Mikado," produced by Geoffrey Toye and General Film Distributors, and previewed today at the Leicester Square, is a lavish and colorful production, faithfully following the stage version, with no pretension toward the modern film technique or contemporary comedy.

The musical element is rich and equal to the best comic opera. Kenny Baker is pleasing, and Martyn Green is a puckish Koko. There is a powerful appeal in the Gilbert and Sullivan music. It is in color. Universal will release the film in North and South America and the Far East. FLAN.

Purely Personal

GRACIE FIELDS will arrive in New York from Hollywood tomorrow. She has been conferring on the coast with 20th Century-Fox officials on pictures to be made in England for the company.

•

BENNY BAKER has been appointed a member of the National Theatre Committee for Refugee Relief and will attend the dinner meeting of the committee tomorrow.

•

FRANK SELTZER, publicity director for Hal Roach Studios, who came to New York for the opening of "Topper Takes A Trip," has left for Hollywood.

•

HUGH WILLIAMS has completed work in "Wuthering Heights." He arrives here from Hollywood, tomorrow, and sails for England on Saturday.

•

MORSE JACKS, manager of the Carlton in Redbank, has postponed a three-week vacation in Florida because of his daughter's illness.

•

MANUEL PENA RODRIGUEZ, film critic of *La Nacion,* Buenos Aires, left yesterday for the coast after a visit here.

•

EDGAR MOSS, 20th Century-Fox district manager in Philadelphia, has returned from a Honolulu vacation.

•

JAMES R. GRAINGER, Republic president, is due Monday from an extended trip to the coast and the field.

•

FRANK NEILL of the Tivoli circuit in Australia is en route here to scout vaudeville acts for the circuit.

•

JAMES CANNON, sports writer, has been signed to an agency contract by MYRON SELZNICK (N. Y.)

•

KARL MACDONALD, South American supervisor for Warners, will sail tomorrow for Buenos Aires.

•

JOHN MANHEIMER, I.T.O.A. executive secretary, left yesterday for three weeks in Florida.

•

COL. FREDERICK L. HERRON of the Hays office is spending a few days in Washington.

•

ELSA LANCHESTER returns to England on Saturday on the *Paris.*

•

PAUL LAZARUS, JR., of Warners is vacationing.

•

LEWIS MILESTONE is at the Sherry-Netherland.

•

MRS. PAUL BENJAMIN is ill.

Name 2 E. K. Directors

ROCHESTER, Jan. 11.—Paul S. Achilles, managing director of the Psychological Corp., and Raymond N. Ball, president of the Lincoln-Alliance Bank & Trust Co., here, have been elected as directors of Eastman Kodak Co. They fill vacancies caused by the deaths of Francis R. Hart and Dr. Rush Rhees.

Insiders' Outlook

By SAM SHAIN

BY this, some 20 of the most important hotels in this city will learn that their guest of recent days, a "Mr. Cosmo Topper," who was paged on the hour, every hour, during his stay at these hostelries, simultaneously, was a non-existent character, even though he paid his bills. The page-call, at each instances was "Marian Kerby was waiting for Mr. Topper at the Music Hall." And the whole thing—one of the neatest publicity drives ever conceived—was for "Topper Takes a Trip," which was then current at the Radio City Music Hall. Both "Cosmo Topper" and "Marian Kerby" are characters out of that film. It was akin to a radio hookup in 20 hotels.

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Warner Bros. are going to town on "They Made Me a Criminal," the new John Garfield ("Four Daughters") film. Jack Warner and the boys are so impressed with this picture that the advertising department is raising the budget on the film. A campaign, similar to that which was drawn for "Dawn Patrol" and "Angels With Dirtv Faces," is planned. There will be 1,000-line ads in newspapers, on the evening before the opening of the picture and on the morning of the opening, in 32 cities. Warners will supply free paper on certain, selective percentage engagements.

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It may be of interest to know that during 1938 there were 59 new amusement firms chartered in Delaware, as compared with 75 in 1937. The number is inclusive of films, theatre, radio and miscellaneous amusement corporations. There were only two which listed capital increases during 1938, whereas in 1937 there were 16.

Only one firm had its name changed last year, as compared with 14 in 1937. This firm was the Millerfilm Corp., which changed its name to Miller Broadcasting System, Inc.

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Praise indeed! According to none other than Mrs. Eleanor Walton, chief censor of Kansas City, it's not the regular lines of product which give the censors trouble. It's the bootleg films. These are smuggled into the city. The legitimate picture companies are cooperative and willing, and what is more, the pictures are such that a "cut" is rare, these days.

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When the English Royal Air Force Band and 50 members of the R.A.F. march in formal array to the opening of the new film, "In the Air," starring George Formby, at the New Gallery on Monday, a military precedent will be established in England. The English Air Minister and members of the Air Council also are scheduled to attend the premiere. It is a matter of speculation whether the current European crisis and the preparedness drive can have anything to do with the sudden interest of the military in the entertainment of the screen.

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News Week is moving its circulation department to Dayton, Ohio, where it also prints.

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Judges of the Appellate Division, Third Department, soon will be subjected to viewing four films which are to be screened for the jurists to determine whether the censorship bans imposed on these pictures in this state should stick. The pictures were turned down by Irwin Esmond, director of the Motion Picture Division.

They are "Remous," also known as "Whirlpool"; "The Birth of a Baby," "Human Wreckage" and "Animated Diagrams of the Human Body." Quite a motley array.

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All of the four were on appeal to either the Commissioner of Education or the N. Y. State Board of Regents, and Esmond was upheld.

In the meantime, a picture called "Le Puritain" (Lenauer) is to be screened before a Board of Regents subcommittee some time prior to Jan. 27, which is the time when the Regents hold their monthly meeting in New York. Esmond also turned down this film, known as "The Puritan," on grounds of indecency, and that it was "immoral," "inhuman," and "it would tend to corrupt morals," "would tend to incite crime" and it was "sacrilegious." That's all.

▼

It seems that those who have these films never give up trying to get them by the censors. For instance, "The Birth of a Baby" and "Human Wreckage" already has been before the Supreme Court. In connection with "The Birth of a Baby," Supreme Court Justice Pierce H. Russell denied the appeal of the American Committee for Maternal Welfare, Inc., to submit the picture to a jury for judgment. "Human Wreckage" was before Supreme Court Justice Francis A. Bergen. It was he who set the precedent on film-appeals a year earlier, by sending "Tomorrow's Children" to the Appellate Division for determination.

Adjourn Talks on Musician Screen Work to April 17

Further discussion of proposals for increasing employment opportunities for musicians within the industry were adjourned to April 17 following a two-hour meeting of company executives and the executive board of the American Federation of Musicians yesterday at the office of Pat Casey, producers labor representative.

No acceptable plan was presented to yesterday's meeting, which was described as being "exploratory" and in the same general vein as were the earlier meetings of the two groups on the re-employment subject. At yesterday's session were Sidney R. Kent, Barney Balaban, Nate J. Blumberg, George J. Schaefer, Harry D. Buckley, Joseph Hazen, Eugene Picker and Casey.

Joseph N. Weber, president of the A. F. of M., and members of the federation's executive board leave for Miami tomorrow for the regular mid-year directors' meeting.

Casey said that a projected meeting of eastern producers on the application of the Federal Wages and Hours law to eastern production had been postponed indefinitely due to the illness of several of those slated to attend the meeting.

Tickets Distributed In Refugee Art Sale

Nationwide distribution of tickets has been completed for the art sale sponsored by the Motion Picture Art Fund for German Refugees. Distribution in the field is through the film exchanges. In Hollywood the Anti-Nazi League is handling the sale.

More than 100 works of art have been contributed to the Fund. Among the contributors is Heywood Broun *World Telegram* columnist, who has donated a canvas depicting the New York scene.

The drawing will take place Feb. 12. The committee intends to invite Mayor F. H. LaGuardia to officiate. Tickets are on sale at all film companies at 25 cents each.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sundays and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

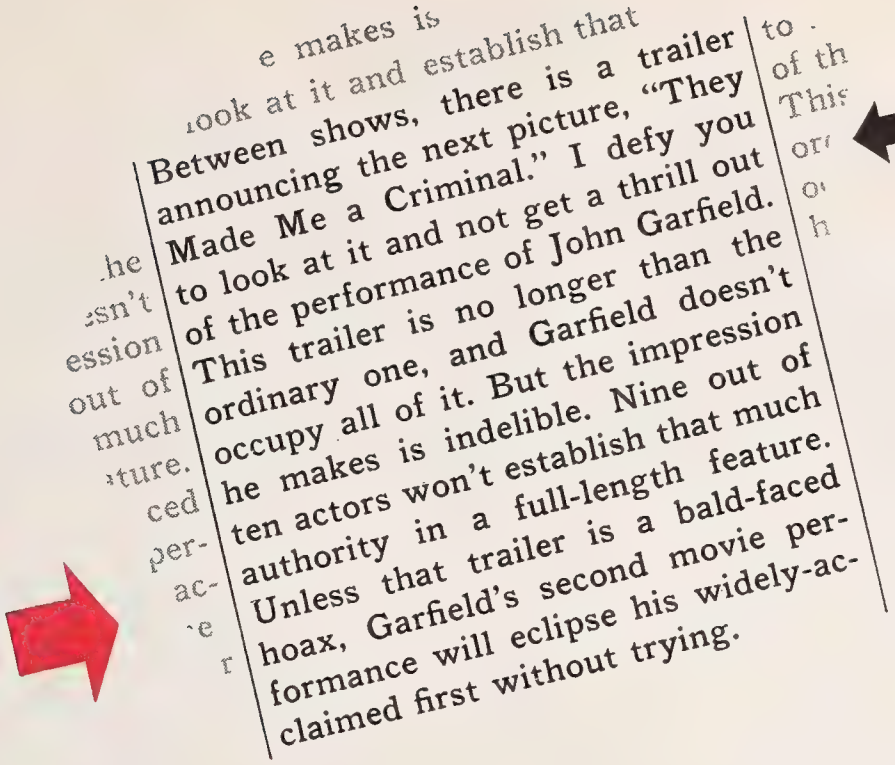
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone CIrcle 7-3100. Cable addresss: "Quigpubco New York." All contents copyrighted 193 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRAL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square W. 1: cable address, Quigpubco, London. Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c



Did you ever hear a critic rave about a *Trailer?* This one did! He's famous Archer Winston of the N. Y. Evening Post.

THIS SAYS YOU CAN CONVINCE ANY AUDIENCE IN 2½ MINUTES THAT WARNER BROS. MADE JOHN GARFIELD A SENSATION WITH THE 'DEAD END' KIDS IN 'THEY MADE ME A CRIMINAL'

with

CLAUDE RAINS • ANN SHERIDAN
MAY ROBSON • GLORIA DICKSON

Directed by Busby Berkeley • Screen Play by Sig Herzig • From a Novel by Bertram Millhauser and Beulah Marie Dix • Music by Max Steiner

Effort to End All Wisconsin Theatre Games Is Failure

MILWAUKEE, Jan. 11.—Attempts by independent exhibitors here to bring about a voluntary surrender of games collapsed with the declaration of A. D. Kvool, general manager of the Warner-Saxe Theatres, that his circuit would not discontinue the games.

Kvool said that if the churches are conducting lotteries, it is the duty of the law enforcement officials to stop them. "As far as I know, there has never been any legal determination here that Bingo, as it is played in the churches, or our various theatre games, are lotteries," he said.

The I. T. P. A. of Wisconsin had called upon law enforcement officials for an indiscriminate enforcement of the lottery laws and had declared its Milwaukee County members would discontinue the games after Jan. 15, if such enforcement was forthcoming. H. J. Fitzgerald, general manager of the Fox-Wisconsin circuit, had pledged his support if all theatres in the county cooperated.

R. A. Tesch, business manager of the I.T.P.A., has declared that his association will drop the entire matter and continue to play the games.

Unions Plead for Increase in Quota

LONDON, Jan. 11.—Five labor unions, representative of film industry workers, today appealed to the Board of Trade, asking an increase in the distributors' quota for the next quota year to 20 per cent and the year after to 40 per cent. The quota year starts in October.

In a long memorandum, the unions cited the unemployment figures among workers in the industry, and the decline in production. The statement declared that six films are in production on a total of 80 sound stages, and that during the past year eight studios were consistently inactive.

The average employment of film technicians, according to the unions, is eight and one-half weeks out of a possible 39 weeks. The organizations claim that Euan Wallace, Parliamentary Secretary of the Board of Trade, had promised in November, 1937, that in the unlikely case that production should fall below 80 features in the year, he would consider the matter. The unions are now asking for action.

Wilde Revival Is To Open Tonight

Revival of Oscar Wilde's "The Importance of Being Earnest" opens tonight at the Vanderbilt. It was last produced here 12 years ago. The present production is by Richard Aldrich and Richard Myers, in association with Albert Tarbell. The cast includes Clifton Webb, Estelle Winwood, Hope Williams, Derek Williams, Florence McGee, Helen Trenholme and others. Miss Winwood also directed the staging.

Theatres in New York Area Off Seven in '38 to 1,193

Theatres in the New York metropolitan area total 1,193, seven less than a year ago. Seating capacity, however, has increased by 500 seats to 1,344,398. This is explained by the fact that new theatres replacing demolished houses are of larger seating capacity. There are 117 theatres closed, against 119 a year ago.

The figures are contained in the 1939 New York directory of film theatres issued yesterday by the Film Board of Trade.

Circuit theatres in the area total 754, of which 556 are unaffiliated with distributors and 198 are affiliated. The unaffiliated circuits' capacity exceeds the affiliated circuits by 233,000 seats.

There are 439 theatres listed as independent and not grouped in circuits, these accounting for 331,482 seats, 20,000 more than a year ago. The number of independent theatres is unchanged from last year's total, although they have increased by 13 in the New York portion of the metropolitan area and decreased by a similar amount in New Jersey.

Of the seven houses less than last year, the affiliated circuits account for two and the unaffiliated circuits for five.

The analysis also shows a total of 1,076 open theatres in the area, with a seating capacity of 1,246,339, and 117 closed houses with 98,059 seats. A total of 863 units are in the state of New York, including New York City, Long Island and all of New York state south of Kingston. The New Jersey portion of the metropolitan area, north of Trenton, has 330 theatres with 351,125 seats.

The 754 circuit theatres in the metropolitan area have 1,012,916 seats. There are 132 affiliated circuit houses in New York and 66 in New Jersey, and 431 unaffiliated circuit houses in New York and 125 in New Jersey.

New York accounts for 307 independent theatres with 225,752 seats and New Jersey for 132 houses with 105,730 seats.

Ten theatres were equipped for sound during 1938, reducing the number of silent houses to 13, all of which are closed. There are 104 theatres closed which are equipped, against 96 a year ago.

League to Discuss Ticket Code Cases

Although still awaiting a decision from the N. Y. Supreme Court on the validity of the ticket brokers' code, the board of governors of the League of N. Y. Theatres will meet today to discuss violations. Purpose of the meeting is to discover how unaccredited brokers obtained tickets. Efforts to have box-office men submit to questioning appeared to be blocked yesterday because of the opposition of the Theatrical Managers, Agents and Treasurers' Union. The league is composed of producers of legitimate stage plays.

Photophone to Show New Systems Today

An advance showing of new RCA Photophone sound reproducing systems, developed in the RCA laboratories, will be held this afternoon at the company's New York offices.

RCA Photophone sales representatives saw the new equipment yesterday as part of the company's annual sales convention held at the plant in Camden.

Ampa to Hold First 1939 Meeting Today

Douglas Fairbanks, Jr., and Jean Hersholt head a program arranged for today's Ampa meeting, which will be held at noon at the Astor. Hersholt is here representing the Motion Picture Relief Fund.

Others scheduled to appear are C. C. Pettijohn, general counsel of the Hays office; George Stevens, director, and Joel Sayre, scenarist, who worked on "Gunga Din," in which Fairbanks stars; J. Edward Bromberg, actor; Gordon D. Ellis, general manager of British Empire Films of Australia, who is visiting here, and Willy de Mond, Hollywood hosiery creator.

This will be the first meeting of the year. Ralph Rolan will preside.

Tax Rise Unlikely For Ohio Theatres

COLUMBUS, Jan. 11.—Ohio theatre men, apprehensive over the possibility of an upward revision of the admission tax by the new legislature, to take care of the approximate $20,000,000 deficit in the state, found encouragement in the repetition by Gov. John W. Bricker in his inaugural address of his pre-election pledge "to avoid any new or increased taxes."

Immediately following his inauguration, Gov. Bricker instituted a policy of retrenchment by reduction in departmental salaries, sharply paring various budgets and the introduction of a program to definitely eliminate waste and unnecessary expenditures.

Nevertheless, exhibitors are urged by the I.T.O. of Ohio, through J. P. Wood, secretary, to work in close harmony with the legislators of their respective communities to the end that the present three per cent admission tax be held to that level.

Illness of Powell Puts Off 'Thin Man'

HOLLYWOOD, Jan. 11.—Recurrent illness of William Powell today caused M-G-M to postpone "The Return of the Thin Man" and as result Myrna Loy, who was to have appeared opposite him, will be co-starred with Robert Taylor in "Lucky Night." Louis D. Lighton will produce.

B & K Links Houses To Chicago Subway

CHICAGO, Jan. 11.—Balaban & Katz is the first Loop firm to seek connections between their buildings and the new subway. Rapp & Rapp, theatre architects, are drawing up plans for direct connections between the Chicago, United Artists, Roosevelt and State Lake theatres and the subway.

Arbitration Seen As Pact Hurdle

(*Continued from page* 1)

the organization's counsel; Benjamin T. Pitts and William F. Crockett, representing the M.P.T.O. of Virginia; Albert A. Galston and R. H. Poole, I.T.O. of Southern California and Arizona; Charles R. Gilmour, Rocky Mountain Theatre Owners and Managers, of Denver; and John Rugar, Intermountain Theatres Association, Salt Lake City.

The Southern California delegates arrived yesterday morning from Los Angeles and immediately went to the conferences. The Virginia representatives were to have left last night.

The changes in the tentative draft asked by the exhibitor representatives amount to revision of the draft's phraseology, in the opinion of some of those attending the meetings. It has been indicated that the distributors are willing to grant modifications and that a compromise will eventually be reached. A completed program to which all spokesmen will agree may not be arrived at for another month.

The current series of meetings will be completed next week. Rogers is scheduled to confer with Allied's negotiating committee in Washington on Monday in advance of that committee's report to the Allied directors at their annual meeting Tuesday and Wednesday.

The setting up of arbitration and conciliation procedure was left open in the first draft of the proposed program completed by the distributors.

The arbitration problem is twofold: how to devise a plan that will obtain favorable reaction from the Government under the anti-trust laws and how to obviate possible causes of action by any of the multiple exhibitor interests involved.

M.P.T.O.A.'s executive committee will ask the distributors' trade practice negotiating committee today for the immediate effectiveness of whatever proposals are agreed on between them as a result of present negotiations. The exhibitor delegation also will ask for immediate establishment of local conciliation or arbitration boards to hear and adjust trade practice complaints.

These basic points were decided on yesterday following a meeting of the M.P.T.O.A. committee at which the reactions of affiliated units of the national organization to the distributors' tentative trade practice draft were studied. In the M.P.T.O.A. delegation will be Ed Kuykendall, president; Oscar Lam, Charles E. Williams, Lewen Pizor and Arthur Lockwood.

Permits RKO Claim

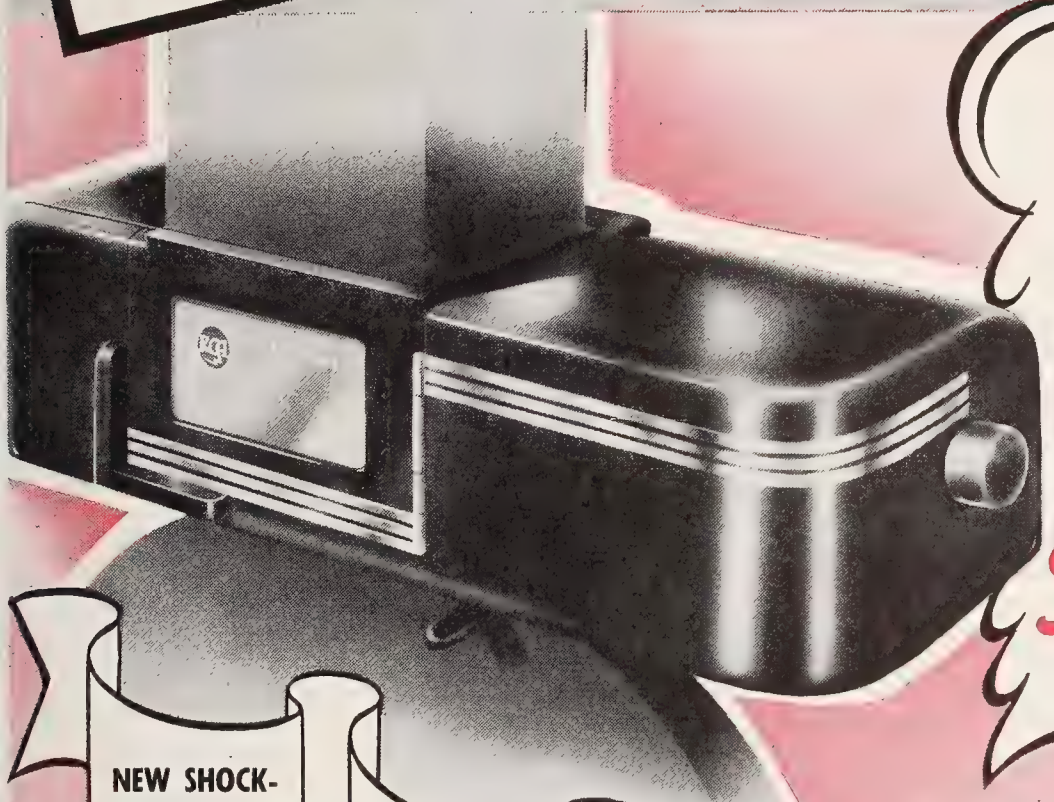
Federal Judge William Bondy has signed an order permitting H. Cassell & Co. to file its claim against RKO as holder of $217,000 10-year six per cent gold debentures. In signing the order Judge Bondy indicated that he is not at present passing on the merits of the claim itself.

Garrett to Monogram

Charles Garrett, for the past three years with G. B., has joined the Monogram foreign department under Norton V. Ritchey. At one time he represented RKO in Cuba.

RCA PHOTOPHONE PRESENTS THE BIG NEWS OF THE YEAR!

....A NEW Magic Voice of the Screen with—



ROTARY STABILIZER

Plus Shock-Proof Drive

NEW SHOCK-PROOF DRIVE!

NEW STYLING!

NEW PROTECTION!

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NEW ADDED RESERVE POWER!

RCA Photophone's sensational new Magic Voice of the Screen Equipment, with a sparkling new array of fine features, is designed for theatres of every size

Here's plenty of reason to stand up and cheer! RCA Photophone engineers have developed a *brand new* Magic Voice of the Screen—a Magic Voice that begins a brilliant new era of fine sound in theatres!

Better in every way than ever before, this new equipment offers you an amazing array of great features led by the ingenious new Shock-Proof Drive!

The RCA Photophone Shock-Proof Drive is a new "partner" for the famous Rotary Stabilizer. It insures greater constancy of film speed than ever before.

The outstanding performance of RCA Photophone Equipment—plus the public approval of the splendid sound it provides—are the reasons why it is used by thousands of exhibitors the world over. This remarkable *new* Magic Voice of the Screen means even finer sound—greater box office response. Your RCA Photophone representative will be glad to give you complete details about it. There's no obligation—so get in touch with him today. It will pay you!

RCA presents the Magic Key every Sunday, 2 to 3 P. M., E. S. T., on the NBC Blue Network. Better sound means better box office—and RCA tubes mean better sound. RCA Photophone's Service Organization has a low cost theatre service plan you'll be interested in.

Remember—more than 5,000 theatres from coast to coast use

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MAGIC VOICE of the SCREEN

THE MAGIC VOICE OF THE SCREEN

RCA Manufacturing Company, Inc., Camden, N. J. • A Service of the Radio Corporation of America

'Kentucky' Is Frisco Leader With $19,500

SAN FRANCISCO, Jan. 11.—"Kentucky," dualed with "Charlie Chan in Honolulu," at the Fox, took the honors here, with $19,500.

"The Young in Heart" took a strong $9,500 at the United Artists, and "Sweethearts" was good for $14,300 at the Warfield. "You Can't Take It With You" drew $7,400 at the Orpheum in its seventh week.

Estimated takings for the week ending Jan. 3-7:

"Pacific Liner" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross. $15,000. (Average, $16,000)
"The Young in Heart" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c), 7 days, 2nd week. Gross: $9,500. (Average, $7,000)
"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c), 7 days, 7th week. Gross: $7,400. (Average, $8,500)
"Kentucky" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $19,500. (Average, $17,000)
"Dawn Patrol" (W. B.)
"Up the River" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c), 7 days, 2nd week. Gross: $7,200. (Average, $7,000)
"Artists and Models Abroad" (Para.)
"Sons of the Legion" (Para.)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c), 5 days, 2nd week. Gross: $8,200. (Average, $13,000)
"Sweethearts" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c), 7 days. Gross: $14,300. (Average, $13,000)
"Life Dances On" (AFE Corp.)
CLAY—(400) (15c-35c-40c), 7 days. Gross: $1,000. (Average, $1,300)
"The Thirty-Nine Steps" (G. B.)
LARKIN—(390) (15c-35c-40c), 7 days, 2nd week. Gross: $800. (Average, $1,300)

Dudelson Heads UA Cincinnati Branch

CINCINNATI, Jan. 11.—Harris Dudelson, for six years a salesman in the United Artists office here, has been appointed branch manager, succeeding Max Stahl, resigned. Dudelson started as a shipper in the Cleveland office, then was transferred here as office manager, a post he held for two years before becoming a salesman.

Heads Denver Club

DENVER, Jan. 11.—Henry Friedel, M-G-M exchange manager, has been elected president of the Rocky Mountain Screen Club for the year. Other officers are: A. P. Archer, first vice-president; Sam Feinstein, second vice-president; E. P. Briggs, treasurer; Ross Bluck, secretary; Emmett Thurmon, counsel. Directors are Archer, Bluck, Briggs, Friedel, William Agren, C. J. Bell, Frank Culp, Joe H. Dekker, Duke W. Dunbar, A. J. Gould Jr., Jack Langan, Jap Morgan and R. J. Morrison.

Acquire Film Delivery

DENVER, July 11.—Oliver E. Curtis has bought the We-Go film delivery from Ross Labart and has renamed it the Intermountain Film Service.

Borrow Gene Reynolds

HOLLYWOOD, Jan. 11.—Universal has borrowed Gene Reynolds, 13, from M-G-M for a role in "The Spirit of Culver."

Hollywood Previews

"The Great Man Votes"

(RKO)

HOLLYWOOD, Jan. 11.—There is nothing fundamentally wrong with the existing order of show business when the good news about a picture like this can get into print while the film is still in manufacture and the finished product can yet turn out to excel the expectations thus fostered. For this is no multimillion dollar investment and the world was not ransacked for an actor to play the leading character. On the contrary, this is a sound, solid production of a straight story hewn from the firm foundation of the body politic, and it was as plain as ham and eggs that the leading character was born for John Barrymore and vice versa.

Advance news comment has made it rather well known that Barrymore plays in this the sole voter in a key precinct and, therefore, abruptly and temporarily a very important person politically. This is merely the key situation. Barrymore plays a once distinguished scholar brought low by bereavement and bottle but still, at bottom, scholar, gentleman and citizen. It is not the right of this or any synopsis to detail the manner of his reaction to such conflicting influences as devotion to his children, proffered subsidies, interfering relatives and a basic belief in the sanctity of citizenship. The telling of this is a Barrymore privilege and a Barrymore triumph. It is also one of the finest film experiences of the year.

The screenplay by John Twist, from Gordon Malherbe Hillman's story, is wrought with that fineness which conceals itself beneath seeming simplicity. Garson Kanin, director, and Cliff Reid, producer, toiled as tellingly, turning out a work possessed in ripe roundedness of apparently unstudied newsreel realism. Of glamour and the devices of glamour there is none. The film has the look of fact, and the power of it.

Virginia Weidler and Peter Holden play the drunkard's children in a manner certain to assure both of them bright futures. Donald MacBride, Clarence Kolb, Luis Alberni and J. M. Kerrigan give strong supporting performances. Katharine Alexander registers strongly as a school teacher whose attachment for the principal character is delicately but forcefully indicated.

The scene is a big city, not named, and the time is 1923 but, save for references to speakeasies, could be now. No political party is indicated by name and the only political points underscored are the broad American ideas everybody has subscribd to since 1776.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

"Burn 'Em Up O'Connor"

(M-G-M)

HOLLYWOOD, Jan. 11.—Romance, comedy, melodrama and mystery are the ingredients stirred into "Burn 'Em Up O'Connor," an exciting story of auto racing. Good action entertainment, designed to appeal to mass audiences, the cast features a group of comparative newcomers with a sprinkling of older and more experienced players added for good measure.

The plot centers about the experiences of Dennis O'Keefe, smart aleck romantic romeo and cocky tyro racing car driver. Snubbed by Cecilia Parker, daughter of Harry Carey, whose racing stable he joins, he quickly creates dissension among the other members. One after another, in contests duplicating the spectacular thrills of the Indianapolis classic, Roosevelt Road and Vanderbilt Cup races, Alan Curtis, Tom Neal and Tom Collins are killed in unexplainable crashes. Carey's fortunes are at low ebb at the time of the San Francisco Grand Prix, but it remains for Nat Pendleton, O'Keefe's dumb cluck mechanic, to suspect that the fatalities are the results of sinister influences rather than the luck of the track. Preventing O'Keefe from taking a drink, which he imbibes himself, Pendleton goes temporarily blind while O'Keefe, only slightly afflicted, drives to victory. In the climax, Pendleton proves that Charley Grapewin, supposedly Carey's trusted friend, had doctored the drivers' eyes, drinks and goggles to blind them. His motive was revenge for the death of his son, for which he blamed Carey. With the menace removed, O'Keefe settles down to romance with Miss Parker and he and Carey plan for greater triumphs.

Based on a book by Sir Malcolm Campbell, noted race driver, the screenplay by Milton Merlin and Byron Morgan nicely balances the standby theatrical elements with the excitement of furious racing. After the first reel, Edward Sedgwick's direction accentuates the best qualities of story content, player talents and production effects.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

'Sweethearts' Is Big Kansas City Grosser, $18,400

KANSAS CITY, Jan. 11.—"Sweethearts" led the way to the biggest week in months, doing $18,400 at the Midland. "Kentucky," playing nine days simultaneously at the Esquire and Uptown, garnered $5,700 at the Esquire and $7,200 at the Uptown.

Estimated takings for the week ending Jan. 5-6:

"Kentucky" (20th-Fox)
ESQUIRE—(800) (25c-40c) 9 days. Gross: $5,700. (Average, 9 days, $3,600)
"Sweethearts" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $18,400. (Average, $11,500)
"Artists and Models Abroad" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $8,000. (Average, $7,000)
"Storm Over Bengal" (Rep.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Frankie Masters & Orchestra, Marion Frances, Ross Wyse, Jr., Readinger Twins, Joy Hodges. Gross: $9,200. (Average, $7,000)
"There's That Woman Again" (Col.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $4,800. (Average, $5,000)
"Kentucky" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 9 days. Gross: $7,200. (Average, 9 days, $6,000)

'Sweethearts' High In Buffalo, $21,000

BUFFALO, Jan. 11.—The new year brought a striking upturn to grosses here. "Sweethearts" started 1939 at a dizzy pace for the Buffalo where it earned $21,000.

The Century coupled "Going Places" with "Devil's Island" for $11,000. "Trade Winds" grossed $8,900 at the Hippodrome. The Great Lakes played "Kentucky" to $10,200. Weather was bad.

Estimated takings for the week ending Jan. 7:

"Sweethearts" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days Gross: $21,000. (Average, $12,000)
"Kentucky" (20th-Fox)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $10,200. (Average, $7,500)
"Trade Winds" (U.A.)
HIPPODROME—(2,500) (25c-40c) 7 days Gross: $8,900. (Average, $6,800)
"Going Places" (W.B.)
"Devil's Island" (W.B.)
CENTURY—(3,000) (25c) 7 days. Gross: $11,000. (Average, $6,000)
"There's That Woman Again" (Col.)
LAFAYETTE — (3,300) (25c) 5 days. Gross: $5,000. (Average, 7 days, $6,300)

Goldberg in Cleveland

CLEVELAND, Jan. 11.—Lee Goldberg, head of Big Feature Rights, will open a Cleveland office on March 1 to handle distribution of his independent product in the northern Ohio territory. Carl Scheuch, formerly with Monogram, and Bernard Rubin, formerly with the Morris Liberman Co., will be in charge of the office.

Klune 'Wind' Manager

HOLLYWOOD, Jan. 11.—Raymond A. Klune, assistant to Henry Ginsberg, vice-president and general manager of Selznick International, has been made production manager for "Gone with the Wind."

20th-Fox Buys Story

HOLLYWOOD, Jan. 11.—Twentieth Century-Fox has purchased the *Saturday Evening Post* story, "It Could Happen to You," by Charles Hoffman. David Hempstead will produce in Sol M. Wurtzel's unit.

'Kentucky' In 2 L.A. Houses Gets $32,400

LOS ANGELES, Jan. 11.—"Kentucky" leads the field here, taking a handsome $18,400 at Loew's State and a good $14,000 at the Chinese, for a total of $32,400 at both houses.

"Pygmalion" held strong in its second week at the 4 Star, drawing down $8,300. "Pacific Liner" and "His Exciting Night" took $7,400 at the Hillstreet and $6,900 at the Pantages.

Estimated takings for the week ending Jan. 11:

"Kentucky" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $14,000. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 2nd week. Gross: $8,300. (Average, $3,250)
"Pacific Liner" (RKO)
"His Exciting Night" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $7,400. (Average, $6,500)
"Kentucky" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $18,400. (Average, $14,000)
"Pacific Liner" (RKO)
"His Exciting Night" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $6,900. (Average, $7,000)
"Artists and Models Abroad" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $12,000. (Average, $18,000)
"Going Places" (F. N.)
"Devil's Island" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $12,000. (Average, $14,000)
"Going Places" (F. N.)
"Devil's Island" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days, 2nd week. Gross: $14,200. (Average, $12,000)

'Sweethearts' Smash Indianapolis, $13,000

INDIANAPOLIS, Jan. 11.—"Sweethearts" gave Loew's a smash $13,000 in a week of powerful business. "Kentucky" and "Down on the Farm" hung up a record for a second week, giving the Circle $8,000.

"Artists and Models Abroad" dualled with "The Last Warning," took $6,000 at the Indiana.

Estimated takings for the week ending Jan. 6:

"Dawn Patrol" (W. B.)
"Next Time I Marry" (RKO)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $3,000)
"Kentucky" (20th-Fox)
"Down on the Farm" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days, 2nd week. Gross: $8,000. (Average, $4,500)
"Artists and Models Abroad" (Para.)
"The Last Warning" (Univ.)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $6,000. (Average, $5,000)
"While New York Sleeps" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Major Bowes' Swing School. Gross: $9,500. (Average, $8,000)
"Sweethearts" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $13,000. (Average, $7,000)

'James' Set in Chicago

CHICAGO, Jan. 11.—"Jesse James" will go into the Chicago starting Jan. 27. Picture will probably play at least two weeks in this theatre and perhaps two more in the Apollo or Garrick.

Borrow Pat O'Brien

HOLLYWOOD, Jan. 11.—Paramount has borrowed Pat O'Brien from Warners for the lead opposite Olympe Bradna in a story by Paterson McNutt.

One-Man Audience

Cincinnati, Jan. 11.—Joseph Pincus, eastern talent scout for 20th Century-Fox, will constitute a one-man audience here on Jan. 17, to judge the qualifications of 12 senior student contestants from the Schuster Martin School of Drama, who will perform at the suburban Little Playhouse for the first annual award of the Tyrone Power scholarship. Power, when here last May attending the school's anniversary ceremonies, established it as a memorial to his late aunt, Helen Schuster Martin, founder of the institution.

Bills Expected to End Indiana Bingo

INDIANAPOLIS, Jan. 11.—Bills are expected shortly in the Indiana General Assembly aimed at outlawing Bingo games in the state, which began among churches, clubs and lodges and has grown to a big business. In Indianapolis, it is estimated, about $50,000 a week is going into Bingo games. This figure is almost equal to the average receipts of Indianapolis film houses and exhibitors believe that if Bingo is wiped out some of this amusement money should come their way.

Labor News

CROFT KC UNION HEAD

KANSAS CITY, Jan. 11.—Walter S. Croft has been elected business agent of the operators local here, succeeding Claude B. Cessna. Other officers are: George E. Dighton, president; R. H. Matheny, vice-president; Frank Dowd, secretary; Frank H. Burkert, treasurer. To the executive board operators named Leonard L. Stewart, Cecil M. Summers and S. L. Johnson. The board of trustees has three new members: David McKinstry, Joseph C. Arnone and Ray W. Stephenson.

Felix Snow, I. A. T. S. E. representative for this region, was named business agent by Stage Hands Local 31. Cyril Donovan was reelected president. Other officers are: Walter Brown, vice-president; Art Brainerd, recording secretary; Joe Cawell, financial secretary, and Julius Ehrlich, treasurer. Glen Milligan, Ed Purcell and Eddie Maier were named to the executive board.

FLORIDA UNION ELECTS

MELBOURNE, Fla., Jan. 11.—Members of the local operators union named J. F. Buff president. Other officers are: R. E. Bankston, Jr., vice-president; Charles L. Leonard, secretary-treasurer; Aubrey Saunders, recording secretary; J. O. Morgan, business representative; J. A. Sylvester, sergeant-at-arms; R. A. Godfrey, Sylvester and Bankston trustees.

Associates to Elect

Motion Picture Associates will elect officers for the ensuing year at a meeting at the Lincoln tomorrow at noon. The only contest is for trustees. Two are to be elected from among five nominees.

Coast Studios Are Shooting 39 Films, Six Are Completed

HOLLYWOOD, Jan. 11.—Thirty-nine pictures are before the cameras this week, as 10 started and six finished. Twenty-two are being prepared, and 73 are in the cutting rooms.

Started were: "Old Mrs. Leonard and Her Machine Guns," Columbia; "Sergeant Madden," M-G-M; "Sky Pirate," "Star Reporter," Monogram; "Picardy Max," RKO; "Higgins Family No. 2," "Wagons Westward," Republic; "Captain Fury," Roach; "Alexander Graham Bell," 20th Century-Fox; "Hero for a Day," Warners.

In addition to these, shooting were: "Let Us Live," "Plane No. 4," "Romance of the Redwoods," "Blondie Steps Out," Columbia; "The Wizard of Oz," "I Take This Woman," "Broadway Serenade," "Song of the West," "Fast and Loose," M-G-M; "Grand Jury Secrets," "Union Pacific," "Midnight," "Federal Offense," "The Lady's from Kentucky," "I'm from Missouri," "Man About Town," Paramount; "The Romantic Castles," RKO; "The Lone Ranger Rides Again," "White Fury," Republic; "The Hound of the Baskervilles," 20th Century-Fox; "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," Universal; "Stage Coach," Wanger; "Dodge City," "Juarez," "Broadway Cavalier," "Sweepstakes Winner," "On Trial," Warners; "Wuthering Heights," Goldwyn.

Those finished were: "Huckleberry Finn," "Four Girls in White," M-G-M; "The Saint Strikes Back," RKO; "Forged Passport," Republic; "The Son of Frankenstein," and "Code of the Streets," Universal.

In the short subjects field, Columbia and M-G-M each are shooting one short subject. Seven are being prepared, and 11 are being edited.

Variety Club

Detroit

DETROIT, Jan. 11.—The opening 1939 luncheon of the Variety Club will be held next Monday. Barker JACK ADAMS, manager of the Red Wings and Barker LOUIS J. GIFFELS, general manager of Olympia, will be guests of honor with the entire Red Wing team in attendance—which includes DOUG YOUNG, JACK STEWART, HERB LEWIS, EBBIE GOODFELLOW, MARTY BARRY, SID HOWE, CARL LISCOMBE, HEC KILREA, DAVE TROTTIER, SCOTTY BOWMAN, CHARLEY CONACHER, PETE KELLY, GUS GIESEBRECHT, MUD BRUNETEAU, LARRY AURIE and TINY THOMPSON.

Monarch Pictures night will be celebrated Jan. 21.

Minneapolis

MINNEAPOLIS, Jan. 11.—Plans are under way for the drive of the Variety Club of the Twin Cities for $25,000 to swell the European Relief Fund. Committee chairmen have been announced as follows: HENRY BAKER, publicity; GEORGE GRANSTORM, tickets; TOM BURKE, club contact; THEODORE L. HAYS, speakers; JAY MCFARLAND, printing and trailers; BOB WORKMAN, exchange cooperation; WILLIAM GRANT, legion.

TheatreChanges

STANDARD POLICY SHIFT

OKLAHOMA CITY, Jan. 11.—Standard Theatres Corp. has instituted several policy changes and increase of admission by five cents at three of nine Standard houses here.

The Plaza, operated as a neighborhood subsequent, has been made first-run, with admission raised from 25c to 40 cents top at night. At the downtown Liberty, which has been showing double bills at 25 cents top at night, the admission has been raised to 30 cents with pictures now running on a seven-day basis. The first run Tower has raised admission from 35 to 40 cents.

TWIN CITY CHANGES

MINNEAPOLIS, Jan. 11. — Harold Kaplan has resigned as manager of the Minnesota Amusement Co.'s State here. Frank Steffy, manager of the Century, will succeed him. Charles Zinn, manager of the Uptown, will succeed Steffy. St. Paul changes includes transfer of J. C. Stroud from the Park there to the Uptown here; transfer of L. G. Hertl, St. Clair manager, to the Park; transfer of J. P. Soucy to the St. Clair, from assistant managership of the Uptown.

N. C. HOUSE TO OPEN

HIGH POINT, N. C., Jan. 11.—High Point's newest theatre, under construction for several months, is scheduled to hold its formal opening next month, according to Hugh J. Smart. The new house, erected on the site of the old Orpheum, will cost more than $100,000.

HAS 3 IN ATOKA

ATOKA, Okla., Jan. 11. — Glen Thompson now has control of all three theatres here, after purchasing from Earl Barrett the Atoka and the New. Thompson previously operated the Pix here and will continue to operate two of the three theatres.

COLLINSVILLE OPENING

COLLINSVILLE, Conn., Jan. 11.—Joseph W. Faith, of the Mayfair, Terryville, has opened the Town Hall here, after renovation. He is also constructing a Town Hall Theatre at Unionville, scheduled to open shortly.

OPENS AT GARDNER, KAN.

KANSAS CITY, Jan. 11.—The Community has been opened by Charles Reynolds, Columbia salesman, at Gardner, Kan., to operate three nights a week. It is Gardner's first house.

NEW LUBBOCK, TEX., HOUSE

LUBBOCK, Tex., Jan. 11.—Another film house will be established here by the Lindsey Theatres. Cost will exceed $50,000.

COLUMBIA, S. C., JOB LET

COLUMBIA, S. C., Jan. 11.—Contract for construction of Palmetto Amusements' new Five Points Theatre has been awarded to C. G. Shockley. Work will start at once.

LEVINE IN NEW HAVEN

NEW HAVEN, Jan. 11.—Joseph E. Levine of Boston has acquired the interest of Harry Segal of Boston in the Lincoln here. S. Ernest Pelson has been appointed manager.

WMCA Is Testing High Frequencies

Under a franchise recently granted the station, WMCA's engineering department has been conducting experiments to determine the value of opening new radio stations in the 11-meter band, of which very little is known. The experiments consist of broadcasts in the ultra high frequency to determine the range and noise level of the 11-meter band, as yet unlicensed for commercial radio communication.

The regular WMCA program schedule from noon to 9 P. M. is being transmitted through the ultra high frequency channel under the call letters of W2XQO. The tests to date indicate an almost total absence of natural static and a high degree of line of sight transmission as well as distant reception, according to the station engineers. Reports have been received from ships in the Pacific and from South America, Europe and Australia.

Standard American broadcasts are confined to frequencies from 200 to 500 meters, thus limiting the number of stations. Short-wave transmissions are on the meters between 15 and 200 but are not adaptable to local broadcasts. If the meter tests now being conducted are successful it may provide a new channel giving space to many more stations than is now possible.

Circuit Using Radio To Improve Business

SAN FRANCISCO, Jan. 11.—Golden State Theatre circuit, operating 12 neighborhood houses in San Francisco and vicinity, has embarked on a 52-week radio campaign to improve business. Announcements will be broadcast daily over KSAN, local independent station.

Theatres in the circuit are the Uptown, Midtown, Palace, Verdi, Noe, Amazon, Victoria, Parkside, Irving, Granada, Daly City, and the El Camino at San Bruno.

Dismissal Sought in Radio Contract Suit

Dismissal of the complaint in the $50,000 suit of the Conquest Alliance Co., Inc., has been asked in the N. Y. Supreme Court. Defendants are Allan Wilson, trading as Viking Radio Productions, Dan A. and Sylvia Sigworth and Transcriptions, Inc. The suit, for alleged breach of contract, charges that Wilson and Transcriptions, Inc. induced the Sigworths to sell a program elsewhere after they had agreed to prepare it for the plaintiffs.

Cooperation

San Francisco, Jan. 11.—KSFO, local CBS station, has arranged a tieup with 14 district theatres for the benefit of theatre patrons who don't want to miss the Friday night "Black Chapel" mystery dramas. The theatres halt the film for 15 minutes, to tune in the play over radio sets placed on the stage.

Radio Personals

ERNEST CHAPPELL has been made the permanent M.C. on the "Show of the Week" over Mutual . . . John B. Kennedy, network commentator, will celebrate his 15th anniversary in radio on Jan. 29 . . . A feminine poll compiled by Transradio Press, finds Mrs. Franklin D. Roosevelt the outstanding woman of 1938, with Dorothy Thompson next . . . Joan Bennett will make a guest appearance on the "Gateway to Hollywood" program Jan. 15 . . . Myrna Loy will head the cast of "Silver Theatre" over CBS on Jan. 15 . . . Eddie Cantor will return to the CBS Hollywood studios for the Jan. 16 "Caravan" broadcast.

✚

Songwriter and vocalist Johnny Mercer has been signed as permanent member on Benny Goodman's "Swing School" program . . . Billy Rose will be the M.C. on WHN's refugee program tomorrow night . . . Alan Gerard's contract to sing over Mutual has been extended by the network . . . Alec Templeton has been signed for the "Barn Dance" series, beginning Jan. 14.

NBC Shows Renewed By Blackett - Sample

Four Blackett - Sample - Hummert programs on NBC networks have been renewed, two becoming effective Jan. 31 and two on Feb. 5.

"Easy Aces," 44 stations on the Blue, Tuesdays, Wednesdays and Thursdays at 7 P. M., and "Mr. Keen, Tracer of Lost Persons," 44 stations on the Blue, Tuesdays, Wednesdays and Thursdays at 7:15 P. M., are renewed as of Jan. 31. "American Album of Familiar Music," 59 stations on the Red, Sundays at 9:30 P. M. and "Manhattan Merry-Go-Round," 33 stations on the Red, Sundays at 9 P. M., are the Feb. 5 renewals.

Tom Hamilton Joins WNEW's Sales Staff

Tom Hamilton, for the past three years a member of the advertising staff of *Tide*, has joined the sales staff of WNEW.

Before he joined *Tide*, Hamilton was on the sales staff of the Lorillard Co., and prior to that held a sales post with Swift & Co.

Norwalk Lock on WHN

Norwalk Lock Co. has entered into a contract with WHN for station break announcements daily, starting today. Contract for 26 weeks was placed by the Friend Advertising Agency. Barney's Clothes has placed a contract for a year's duration covering daily announcements. Austin & Spector placed the account.

Delay CBC Contest Close

TORONTO, Jan. 11.—The Canadian Broadcasting Corp. has postponed the closing date for its drama contest for radio plays by Canadian authors for four cash prizes scaling up to $250 to Jan. 15, manuscripts to be submitted to the CBC Drama Department.

Around the Country

San Francisco

Jimmy Lyons, former sound effects chief at NBC here, has taken charge of sound effects for KSFO and CBS. . . . Earl Teasdale's cowboy group, discharged in NBC economy wave two months ago, have been rehired for sustainers over KGO, Blue outlet. . . . Vacationing after a 10-month personal appearance tour is KPO's Johnny O'Brien, harmonica star, who rejoins his "harmonica band" in New York late in January, for another tour. . . . Jack Burnett, ex-manager of KROW's San Francisco office, now on production staff of KGVO, Missoula, Mont. . . . After seven weeks in the hospital with a broken arm, after being thrown from a horse, Alvina Jensen, secretary of NBC Manager Lloyd Yoder, is convalescing at home. . . . Also better is Ira Blue, NBC commentator here, who fractured a hip when he fell off a curb.

✚

Cincinnati

Sinclair Lewis, here in his new play, "Angela Is Twenty-two," discussed his new venture, and outlined road tour plans when interviewed by Jerry Burns in his "Let's Go Backstage" program over WSAI . . . Jimmy Scribner, one-man cast of the "Johnson Family," daily Mutual serial originating at WSAI, guest on current "Boone County Jamboree," stage show commercial over WLW . . . "Mad Hatterfields," originally a sustainer, now in the commercial column for Horlicks, boasts of 49,997 pieces of mail in an eight-announcement survey over WLW and Mutual.

FCC Calendar

WASHINGTON, Jan. 11.—The Federal Communications Commission has tentatively assigned dates for hearings on a number of broadcasting cases, as follows:

Jan. 19: Applications of Tacoma Broadcasters, Inc., and Michael J. Mingo, both seeking new 1,420-kilocycle stations at Tacoma, Wash., to operate with 100 watts power night, 250 watts day.

Feb. 6: Applications of Central Broadcasting Corp., for a 1,500-kilocycle station at Worcester, with 100 watts night, 250 watts day; Kingston Broadcasting Corp., for a 1,500-kilocycle, 100-watt daytime station at Kingston, N. Y., and William H. Bates, Jr., for a 740-kilocycle, 250-watt daytime station at Modesto, Cal.

Feb. 14: Applications of Enrique A. Sanfeliz and United Theatres, Inc., both seeking a 580-kilocycle, 1,000-watt station at San Juan, P. R.

Feb. 15: Applications of The Gateway Broadcasting Co., for an 880-kilocycle, 500-watt station at Louisville; WGRC, New Albany, Ind., for change of frequency from 1,370 to 880 kilocycles, and KRRV, Sherman, Tex., for change of frequency from 1,310 to 880 kilocycles and increase of power from 250 to 1,000 watts.

Banner LINES

APPLAUSE from the studio audience will not be permitted during broadcasts of "The Circle," new Kellogg show which makes its bow out of Hollywood on Sunday with Ronald Colman, Carole Lombard, Cary Grant, the Marx Bros. and Lawrence Tibbett in the regular cast. The sponsor has no particular objection to studio applause, but because "The Circle" is supposed to be a club on whose meetings the radio audience will eavesdrop, it is felt that any studio crowd noises will be inappropriate.

Only other major network show that does not permit studio applause is the Kraft "Music Hall" with Bing Crosby and Bob Burns.

▼

To celebrate his impending return to radio, Lawrence Tibbett yesterday tendered a party to radioites at his East End Avenue apartment. A large crowd was there.

▼

La Hiff's Tavern is now sponsoring a nightly program over WHOM of all-recorded music and theatrical gossip. Frank Kreuger handles the show, giving talks on the theatre, screen and sports, and reciting names of notables who have dined that day at the Tavern.

Reason for the broadcast over WHOM may have something to do with the fact that Paul F. Harron, owner of the Tavern, is the president of the New Jersey Broadcasting Corp., which owns WHOM.

▼

A sign on Times Square lists the members of the Great White Way Association—a World's Fair tieup. A column reader reports that Rosaline Sherman of WNEW spent three hours the other night waiting to see her name come 'round the spinning lights each time. She's the only woman director of the organization.

▼

No more lyrical line was ever penned than the opening one of a currently popular song which, heaven help listeners, cannot be evaded no matter how astute the dialer. The line is rose-petaled prose, that's what. It goes like this: "Jeepers, creepers, where d'ja get those peepers."

▼

In accepting a "Friday the 13th" opening date at the RKO Keith in Boston, Abbott and Costello, comedians on the Kate Smith program, tempted fate. Yesterday Bud Abbott came down with bronchial pneumonia, forcing cancellation of the stage date and the appearance on the Kate Smith program.

—JACK BANNER

Plan Fair Transmitter

SAN FRANCISCO, Jan. 11.—Chester Lang, broadcasting manager of General Electric Co., has arrived with a technical staff to install a new short-wave radio transmitter, W6XBE, on Treasure Island, to broadcast messages around the world during the exposition, which opens Feb. 18.

Quinn KOB Manager

DENVER, Jan. 11. — Frank Quinn, recently commercial manager KLZ here, has been named station manager of KOB, Albuquerque, N. M.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 9 NEW YORK, FRIDAY, JANUARY 13, 1939 TEN CENTS

AFRA Board Calls for Vote On Walkout

Asks 6,000 Members to Ballot Before Jan. 22

National membership of American Federation of Radio Artists, approximately 6,000 in number, has been called upon by the organization's national board to vote on the question of a strike on commercial network broadcasting.

This is the decision reached by the national board at a meeting here yesterday. AFRA chapters have been advised to vote on the strike issue no later than Jan. 22.

The national board yesterday also instructed its members not to sign any employment contracts without the approval of the executive secretary and unless such contracts, if made, contained a provision that they will become void at the time a strike is declared unless the agency or producer has signed the AFRA code.

AFRA's drastic action stems from

(*Continued on page 8*)

Additional developments in radio are found on page 8.

Procedure Changed On Quigley Awards

Quigley Awards for 1939, sponsored by the Managers' Round Table of *Motion Picture Herald,* are marked by an important change in procedure, beginning on Feb. 1. Awards will be voted for single exploitations rather than on complete campaigns, as formerly. Analysis of entries made by A-Mike Vogel, Round Table chairman, discloses that the majority of the winning campaigns have been built around outstanding individual promotions and for this reason the new policy has been adopted.

Regular quarterly judging periods have been retained and will be divided into two-week preliminaries. Winners of these preliminaries will compete in the quarterly periods for the Quigley Plaques and added designation of "Quartermaster."

Over 75 acceptances to serve as judges for 1939 are expected in answer to invitations sent out by Vogel. The list includes leading executives in distribution, advertising and exhibition.

Philip Hill Sails For Florida Visit

London, Jan. 12.—Philip Hill, investment banker of Philip Hill & Partners, who is concerned in film financing, sailed yesterday for the United States, bound for Palm Beach.

It is believed here that Hill may confer in the Florida resort with Nicholas M. Schenck, president of Loew's, Inc., and Sidney R. Kent, president of 20th Century-Fox.

A. A. Lowe Predicts Good Year for US Pictures in Japan

Distribution of American pictures in Japan has not been disrupted by the unsettled conditions in the Orient, according to A. A. Lowe, formerly general manager for United Artists in Japan. On the contrary, said Lowe, who is here on a vacation before getting his new assignment, conditions point to a good year for U. S. films in Japan with the probability that an agreement will be reached at the April

(*Continued on page 7*)

Allied States Plans Pact Study at Board Meeting Next Week

WASHINGTON, Jan. 12.—A thorough study of the trade practice program will be a major feature of the 10th annual meeting of the board of Allied States, which will start here on Tuesday. At least one full day will be devoted to the subject. Remainder of the sessions will be devoted to organizational matters, including the election of officers and discussion of block booking and other legislation.

William F. Rodgers, representing the distributor negotiating committee on the trade program, will confer Monday with the Allied committee, one of several committee meetings which will precede the board session.

Meeting of the directorate is considered by many members one of the most important ever held by the organization, in view of the pending trade practice negotiations. While officials of the associations professed an inability to forecast the attitude which would be adopted on the distributor proposals, it is considered likely that a statement formally outlining Allied's position may be issued next week, following the board meeting.

Agree on New Phraseology In Trade Pact

MPTOA, Distributors in Accord on Changes

M.P.T.O.A. representatives and the distributors' negotiating committee agreed yesterday on numerous changes and clarification of phraseology in the distributors' tentative trade practice draft during a meeting at the Union League Club.

The session was adjourned for an indefinite period to permit the distributors' attorneys to confer on the changes in the trade practice proposals advocated by the M.P.T.O.A. delegation. No statement was issued by either side following the meeting but Ed Kuykendall, M.P.T.O.A. president, said he would comment today on the present status of the program insofar as his organization is concerned.

Reaction of individual M.P.T.O.A. units to the tentative draft were studied at yesterday's meeting. The exhibitor committee's demands were based on the reports from the various units.

Indications are that no final action

(*Continued on page 7*)

US Praise of Foreign Films Bewilders French Exhibitor

By SHERWIN A. KANE

The increasing adulation of foreign pictures by some Americans leaves an observing foreigner completely bewildered, said Alexander Oumansky, Parisian exhibitor, who is a visitor in New York, during an interview yesterday.

"We who are obliged to appraise our own pictures as critically as we do Hollywood's—in order to remain in business—often wonder why it is that some Americans can detect a Hollywood 'ham' so much more readily than they can a European one. There is no such generosity in judging American pictures abroad. The worst of them will inevitably excel the best of ours in some departments, at least, yet Europeans will condemn a mediocre American picture soundly and give but faint praise to the best of them."

Oumansky reported, nevertheless, that American pictures have suffered in popularity in Paris in recent months. He enumerated several possible reasons for this, pointing out that as is frequently the case with contrasting receptions given a picture by Broadway and by the rest of America, many of the films which "died" in Paris did well in the rest of France.

Contrasted with this symptom of Hollywood's wares is an increasing improvement in the quality of French product, according to the visitor. He relates that ever larger advertising and publicity expenditures are necessary to "put over" American pictures in Paris. Oumansky uses only "foreign" product in his three theatres on the Champs Elysee.

While his houses are first runs for foreign product, Oumansky reports that the subsequent runs playing two to three months behind him, with admission prices 75 per cent less than his, get the cream of the trade on American films of average quality.

With all of his trials, however, Oumansky believes the French exhibitor enjoys some telling trade advantages over his American counterpart.

Oumansky will be in New York for another two weeks.

UA Conferees Discuss Profit-Sharing Plan

HOLLYWOOD, Jan. 12.—United Artists stockholders met today for discussion of new apportionment of producers funds under the new profit-sharing plan and the growing Latin-American market, but failed to arrive at any definite decision. Resumption of conferences is scheduled for today.

Two Foreign Film Houses Close Doors

Two houses in the Times Square neighborhood which have been using foreign product closed for indefinite periods this week. At the offices of the Consolidated Circuit it was reported that the Squire, on Eighth Ave., had been closed because of the shortage of good foreign product.

No reason for the closing of the 55th St. Playhouse was given except that "new plans" were being made and that the date of reopening was indefinite.

Purely Personal

WILL H. HAYS will be host to the advertising and publicity directors of the major companies at luncheon today. He leaves tonight for the coast on his annual winter visit, returning early in March.

•

Lunching in the Hunting Room at the Astor yesterday were FRANCES FARMER, LEIF ERICKSON, CHESTER ERSKIN, WILLIAM F. RODGERS and SAM LYONS.

•

SAM FOX, music publisher, returned yesterday from Florida, where he vacationed with his family. He leaves shortly for Europe.

•

E. F. LOMBA, assistant foreign distribution head for 20th Century-Fox, leaves next Thursday for a Latin American survey.

•

MR. and MRS. RAY MILLAND, accompanied by COL. and MRS. H. GIRARD, left for the coast last night via American Airlines.

•

OSCAR LAM of Rome, Ga., and CHARLES E. WILLIAMS of Omaha, who were here for trade practice conferences, leave New York today.

•

ED KUYKENDALL, M. P. T. O. A. president, leaves for Washington tomorrow and will go from there to his home at Columbus, Miss.

•

GEORGE J. SCHAEFER and NED E. DEPINET are scheduled to leave for the RKO studio today for product conferences with Pandro Berman.

•

BILL EXTON, city manager of the Kenosha in Kenosha, Wis., is in New York for a few days before leaving for a vacation in Florida.

•

R. J. HULLINGER of the retail department of Jam Handy has been appointed assistant head of the department.

•

WALLACE FORD left the coast yesterday for New York, to play the leading role in "Harry," stage play by Paul Trivers.

•

MATT SAUNDERS, Loew manager in Bridgeport, has returned after conferring at the home office.

•

JOSEPHINE VISBAL of News of the Day is confined to her home with a cold.

•

JANET GAYNOR will arrive in New York today.

Henry Chesterfield, NVA Secretary, Dies

Henry Chesterfield for 23 years executive secretary of the National Variety Artists, Inc., died Wednesday. He had just finished the eulogy of C. Edward Brandt, an old time actor when he succumbed. His real name was Henry Selmer but he adopted Chesterfield when he went into vaudeville as a young man. Funeral services will be at 11 A. M. Sunday.

Insiders' Outlook

By SAM SHAIN

AMONG the outstanding publicity jobs of the year is that which was done for Gaumont British's "The Vanishing Lady" and for Alfred Hitchcock by Al Margolies. This "whodunit" which slipped into this country unnoticed towards the close of the year, just as G. B. was closing down its own offices, is suddenly one of the most talked of pictures of the year. It was Margolies' brilliant handling of the picture which brought it to the enthusiastic attention of the critics, no doubt. And when they picked it among the best 10 of the year, the picture's acclaim was clinched.

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Then there is the case of Metro's "The Citadel." This British-made film was doing a nice, even business, not what exhibitors might call sensational, but good. Now, haloed by being selected as among the N. Y. critics' first 10, the picture is jumping to healthy box-office grosses.

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Everybody in the business probably will want to take a look at the story of Dr. A. H. Giannini, which is printed in the current issue of the *Saturday Evening Post*. Dr. Giannini is one of the beloved figures of the trade. He is one of the few "character" bankers left.

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There is a spreading Wall Street idea, since the McKesson-Robbins fiasco, that additional to the president of a firm in charge of operations, there should be a special representative with investigating powers who shall be answerable only to the board of directors.

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Representative Wright Patman's (Texas) proposal in Congress to tax chain stores, it is understood, does not involve theatres. It applies apparently only to retail stores in which goods and merchandise are sold at retail. The bill would require stores in chains of 10 or more to pay a tax of $50 per store up to 15 stores, and to $1,000 a store on chains having more than 500 stores.

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RKO's $200,000 campaign on "Gunga Din," directed by S. Barret McCormick, took three months in planning and preparation. The picture gets its world premiere at the Music Hall Jan. 26.

As part of this preparation, an advance publicity force went into the field and visited 660 newspapers in 420 towns and cities of over 10,000 population to get personal slants from film and news editors on the type of publicity material desired, and to begin supplying it.

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Full page ads will be used in 20 national magazines, including *Life, Saturday Evening Post, Look, Collier's* and all "fan" magazines. Ads will differ one from the other, each being "slanted" for the type of publication for which it is destined. The magazine campaign is timed for publication concurrent with the picture's world premiere.

Newspaper campaign will consist of half-page cooperative ads in 500 newspapers published in 200 different cities.

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Principle feature of the campaign, however, is specially created billboard ads which will be used nationally. Six different 24 sheets will be used, all of which will consist of tremendous blow-ups of actual photographic shots from the picture, with the usual billboard coloring eliminated. Posters of this type have never before been used.

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According to a three-year survey which has been released this week, 6,492 rooms are devoted to housing and filing of U. S. Government records. The amount of paper in those records consists of 2,699,561 cubic feet. Among the records are 17,737,879 feet of motion picture film, 5,495 sound recordings and 2,346,598 photograph negatives.

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The N. Y. film critics, themselves, bear the cost of the annual award party which they run in the Rainbow Room.

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Newsreel cameramen are at work here attempting to perfect a new lighting device which already has made considerable improvements in the technic. Cameramen describe it as introducing the "candid" element into the motion picture field. Previous efforts to get informal poses have failed because an elaborate lighting system has been required.

▼ ▼

George Skouras knows how to give. His record shows that nobody worthwhile and no cause that is worthy is turned down.

▼ ▼

20th Century-Fox employs 11,787 persons. Of this number, approximately 500 are employed at the home office; domestic, 1,250; and foreign, 2,100. The company engages in business in approximately 67 countries.

'Trade Winds' Gets Start of $10,000

"Trade Winds" got off to a good start yesterday at the Music Hall, where it drew an estimated $10,000 for the first day. "There's That Woman Again," which was there last week, grossed only $58,000, estimated. "Going Places" ended its first week at the Strand with an estimated $43,000. Louis Armstrong and his b[illegible] aided the box office materially.

Third week of "Kentucky" attracted an estimated $31,000 to the Roxy. "Jesse James" goes in today. Another three-week film, "Sweethearts" drew $20,000 estimated at the Capitol. Popular price run of "Marie Antoinette" began yesterday. "Pygmalion" in its fifth week at the Astor continued strong with $14,300 estimated.

"Arrest Bulldog Drummond" opened yesterday at the Criterion and will be followed by "Disbarred" on Jan. 19. The Paramount has decided to hold "Zaza" and Benny Goodman's band for a third week to start Tuesday.

Opening Gives Metro 26 Foreign Theatres

With the opening of the Metro in San Juan, Puerto Rico, next Wednesday, M-G-M will have 26 foreign theatres. Ground will be broken shortly for de luxe houses in Cairo and Adelaide, South Australia.

The San Juan theatre seats 1,200, has Erpi sound, Carrier air conditioning and Simplex projection. The architecture includes a landscaped forecourt. Cost of construction was $250,000.

Cairo theatre will seat 1,500 and cost $500,000, including land. The Adelaide house will also cost about $500,000 and seat 1,300. Both are scheduled for opening in September. Thomas Lamb is the architect on the projects.

Brokers, League Meet

Board of governors of the League of New York Theatres, organization of legitimate stage producers, met yesterday with a number of ticket brokers to discuss violations of the ticket code. No formal action was taken and another meeting will be held this afternoon.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

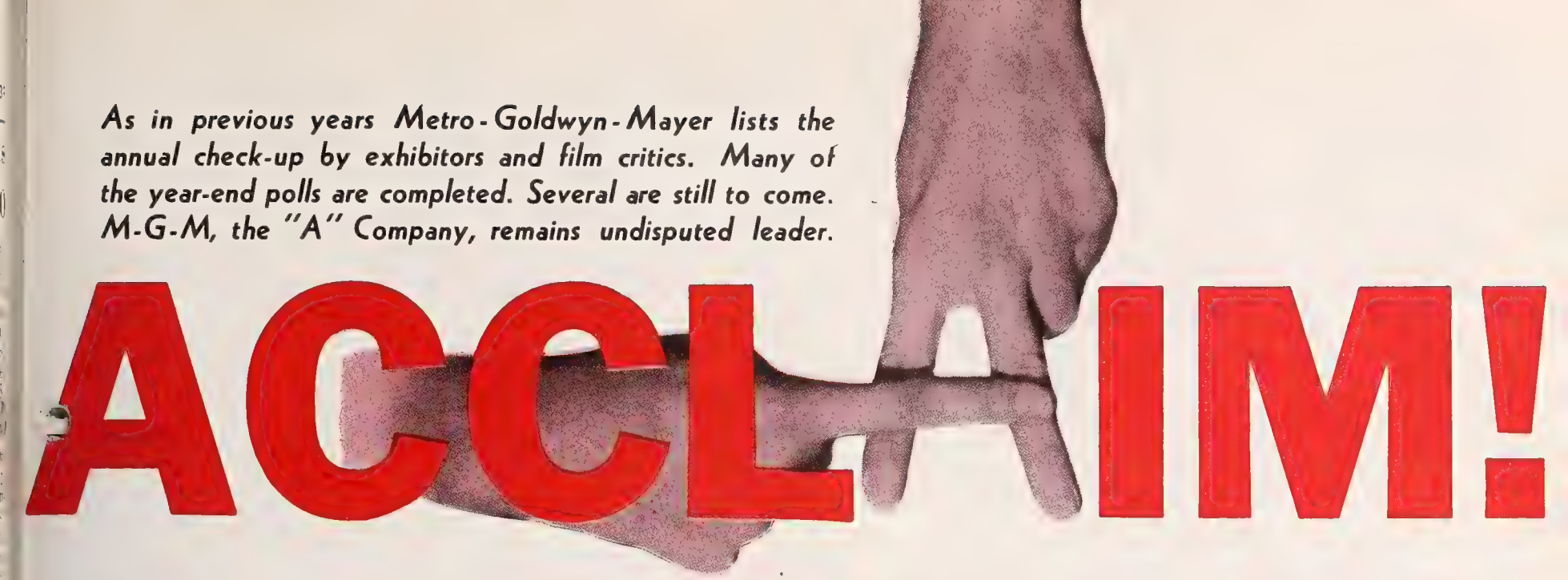
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BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

As in previous years Metro-Goldwyn-Mayer lists the annual check-up by exhibitors and film critics. Many of the year-end polls are completed. Several are still to come. M-G-M, the "A" Company, remains undisputed leader.



1–M-G-M AGAIN TOPS FILM DAILY'S "TEN BEST" LIST!

The annual FILM DAILY poll of hundreds of film critics throughout America gives M-G-M another victory this year with 4 out of "The Ten Best Pictures." ("*Citadel*," "*Boys Town*," "*Marie Antoinette*," "*Love Finds Andy Hardy*"). As we go to press M-G-M has more winners on individual nationwide published lists of Film Critics' "Ten Best Pictures of the Year" than any other company.

2–ALMOST 30% OF INDUSTRY'S HITS ARE M-G-M!

Box-office Champions selected by exhibitor vote in QUIGLEY PUBLICATIONS' survey from 1930 to 1938 give M-G-M almost 30 per cent of this industry's hits, 46 out of 166, (*nearest competing company has 27*). In the QUIGLEY poll of the past year M-G-M again leads all companies in Box-office Champions. Of 12 monthly Blue Ribbon Awards by BOX-OFFICE MAGAZINE during the past year M-G-M leads all companies with 4. Since the inception of the Blue Ribbon Awards M-G-M has won 23, nearest competitor 14. M-G-M exceeds all companies in VARIETY'S survey of Top Picture Grossers. Likewise in SHOWMEN'S TRADE REVIEW list of 25 Best Major Productions voted by exhibitors M-G-M leads with 7, nearest competitor 5. A conclusive analysis of Distributor's Batting Average for 1938 conducted by NATIONAL BOX-OFFICE DIGEST gives M-G-M a rating of 102 per cent, nearest competitor 92 per cent.

3–M-G-M STARS ARE BOX-OFFICE LEADERS!

Out of 12 All-American Favorites, M-G-M leads with 5 in BOX-OFFICE MAGAZINE'S Annual Poll. In the QUIGLEY Poll M-G-M leads with 5 out of the first 7 Money-Making Stars, topping all companies. In SHOWMEN'S TRADE REVIEW Annual Poll, out of 21 leading Box-office stars M-G-M heads all companies with 7 top money-makers. M-G-M also leads VARIETY'S Annual Poll of greatest money-making stars (*as well as Top Money Directors*).

4–N. Y. CRITICS PICK M-G-M FOR YEAR'S BEST FILM!

THE CRITIC'S CIRCLE, composed of all New York's famed motion picture critics, have selected "The Citadel" as the Best Picture of 1938. This group also selected Margaret Sullavan for the year's best performance by an actress.

5–WATCH "PYGMALION"!

Imagine! Out of 9 New York newspapers, 8 critics placed M-G-M's "Pygmalion" on their lists of "The Year's Ten Best."

And the future for M-G-M Showmen is very bright!

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	G. N.
Dec. 9	Rio Grande (O) *Charles Starrett Ann Doran*	Dramatic School (A) (D) *Rainer Goddard Alan Marshall*	Song of the Buckaroo (O) *Tex Ritter*	Ride a Crooked Mile (G) (D) *Farmer Tamiroff* (3815)	Western Jamboree (O) *Gene Autry Smiley Burnette*	Next Time I Marry *Lucille Ball James Ellison* (910)	Up the River (G) (C) *Tony Martin Phyllis Brooks* (924)		Secrets of a Nurse (G) (D) *Helen Mack Edmund Lowe*	Heart of the North (G) (D) *Dick Foran*	Sunset Murder Case *Sally Rand* (Nov. 11) (345)
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	The Long Shot (G) (D) *Gordon Jones Marsha Hunt* (Jan. 6)
Dec. 23	There's That Woman Again (G) (C) *Douglas Bruce*	The Girl Downstairs (G) (C) *Tone Gaal Connolly*	Wild Horse Canyon (G) (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds (G) (D) *Fredric March Joan Bennett*	Newsboys Home *Jackie Cooper Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn Rathbone*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Dec. 30	Smashing the Spy Ring *Fay Wray Ralph Bellamy*	Sweethearts (G) (M) *MacDonald Nelson Eddy*	Tough Kid (G) (D) *Frankie Darro Judith Allen*	Artists and Models Abroad *Jack Benny Joan Bennett* (3817)	Federal Man Hunt *Livingston Travis*		Kentucky (G) (D) *Loretta Young Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard Joan Fontaine*		Going Places (G) (C) *Dick Powell Anita Louise*	
Jan. 6 1939	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor Wallace Beery Florence Rice*		Disbarred (G) (D) *Gail Patrick Otto Kruger* (3818)	Fighting Thoroughbreds *Ralph Byrd Mary Carlisle Robert Allen*	Pacific Liner *McLaglen Chester Morris Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	Trigger Pals (G) (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X *Michael Whalen Mary Hart*	The Great Man Votes (G) (C) *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Exile Express *Anna Sten* (Jan. 20)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*		Drifting Westward (O) *Jack Randall*	Ambush *Swarthout Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	Ride 'Em Cowgirl (O) *Dorothy Page* (Jan. 20)
Jan. 27	Lone Wolf Spy Hunt *Warren William Ida Lupino*	Idiot's Delight *Shearer Gable* Four Girls in White	Sundown on the Prairie *Tex Ritter*	Paris Honeymoon (G) (C) *Bing Crosby* Boy Trouble *Ruggles*	Pride of the Navy *James Dunn Rochelle Hudson Gordon Oliver*		Jesse James (G) (D) *Tyrone Power Henry Fonda* (921)			King of the Underworld *Kay Francis Humphrey Bogart*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 3		Honolulu *Eleanor Powell Robert Young*		St. Louis Blues *Lloyd Nolan Lamour Guizar*	Women Make News *Inescort Wilcoxon*	Fisherman's Wharf *Bobby Breen Henry Armetta Leo Carrillo*	The Arizona Wildcat (G) (C) *Jane Withers Leo Carrillo*		Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
Feb. 10	Texas Stampede *Starrett Meredith*	Huckleberry Finn (C) *Rooney Connolly*	Navy Secrets *Fay Wray Grant Withers*	One Third of a Nation *Sylvia Sidney Leif Erikson M. Hutchinson*	Home on the Prairie (O) *Gene Autry*	Boy Slaves *Anne Shirley Roger Daniels*	Tail Spin *Alice Faye Constance Bennett Charles Farrell*		The Phantom Stage (O) *Bob Baker*	Wings of the Navy *John Payne deHavilland George Brent*	

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with
SAM JAFFE • EDUARDO CIANNELLI • JOAN FONTAINE
PANDRO S. BERMAN IN CHARGE OF PRODUCTION
PRODUCED AND DIRECTED BY GEORGE STEVENS

From a Story by BEN HECHT and CHARLES MacARTHUR
Inspired by RUDYARD KIPLING'S Poem
Screen Play by Joel Sayre and Fred Guiol

RKO RADIO PICTURES

Agree on Changes In Pact Phrasing

(*Continued from page* 1)

on approval or disapproval of a trade program can be had for some time to come. Neither distributors nor exhibitors are in accord, even among themselves, on the basic provisions of the program at this time. New and extended negotiations on both sides may be inevitable.

At yesterday's meeting were Kuykendall, Oscar Lam, Charles E. Williams, Lewen Pizor and Arthur Lockwood, for the M.P.T.O.A., and Sidney R. Kent, George J. Schaefer, William F. Rodgers and Ned E. Depinet for the distributors.

Decisions by the U. S. Supreme Court in three cases upholding the legality of self-regulation within industries are the guides being followed by lawyers in attempting to set up a program for trade practice reform.

Arbitration appears to be the core of the program and it seems at this stage that arbitration will be adopted, with conciliation as a supplementary procedure.

The Supreme Court decisions were given in cases involving the Appalachian Coal Co., the Sugar Institute and the Fashion Guild. Generally, the opinions were that industries may undertake to set up codes of practice so long as they do not violate the anti-trust laws.

This was set out in the final report of Tyree Dillard, counsel to the NRA film code authority, in 1935. It was reiterated by William C. Weisman, counsel to the New York I.T.O.A., during the conferences with the distributors' negotiating committee this week.

The distributors are represented as willing to set up arbitration and conciliation machinery forthwith. But they have not yet devised a method whereby compliance may be obtained with the boards' decisions, because of the multiple exhibitor interests affected indirectly. This is as much an exhibitor problem as that of the distributors.

The situation is complicated further by the fact that thousands of independent exhibitors are not members of any organization. Of the approximately 14,000 independent exhibitors, including circuits, fully 50 per cent are not organization members, according to some estimates.

Charles R. Gilmour, representing the Rocky Mountain Theatre Owners of Denver, and John Rugar, Intermountain Theatres Association, Salt Lake City, who attended the trade practice conferences, leave today for their homes.

Albert A. Galston, president, I.T.O. of Southern California and Arizona, and Robert H. Poole, business manager, plan to leave tomorrow for Los Angeles.

Plan Foster Film

HOLLYWOOD, Jan. 12.—David O. Selznick disclosed today that he will film the life of Stephen Foster, writer of early American song classics, under the title "Swanee River."

Lee Tracy Signed

HOLLYWOOD, Jan. 12.—RKO today signed Lee Tracy by cable to do a picture in addition to "What's A Fixer For?"

Para. Setting Fast Pace, Says Freeman

Chicago, Jan. 12. — Y. Frank Freeman, Paramount vice-president and studio head, en route to New York to complete work on several theatre matters, said here today that Paramount production is moving at a swift pace, and that he is gratified by the excellent results being obtained.

Freeman said he planned to return to the coast next week to continue his "studies." "I am just going to school in Hollywood at present," he said. Freeman formerly was in charge of Paramount theatre operations and only recently went to the coast to take charge of the studio.

Defense Memo in Trust Suit Filed

Defendants in the pending Government anti-trust suit filed a supplemental memorandum yesterday with Federal Judge William Bondy in reply to a recent brief in which the Government opposed the defendants' pending application for bills of particulars in the action.

Defendants' new memorandum answers the Government's contentions that bills of particulars are warranted only when the original complaint is defective or erroneous, should not be granted because defendants have the right to obtain similar information through depositions, are not warranted under the new procedural rules. It also refutes the legal precedents cited by the Government for denying the motion for bills of particulars.

Judge Bondy is expected to rule on the motion for bills of particulars within the next month or two.

'U' Reel Office to Move

Editorial offices of Universal Newsreel will be consolidated in the Film Exchange Building, 630 Ninth Ave., where the reel's makeup office is located now. The editorial departments heretofore quartered on the 11th floor of the RCA Building will be moved next Thursday. Consolidation of the reel's quarters is in the interest of efficiency and convenience.

RCA Streamlined Sound Model Shown

RCA Photophone yesterday unveiled a new streamlined theatre reproducing system to 25 members of the press. Max C. Batsel, chief Photophone engineer, explained the innovation. Ralph Austrian, Ed Auger, Julius Haber and other company executives were on hand.

As explained by Batsel, the new system incorporates a score or more of technical improvements resulting from the engineers' studies of equipment operation and sound reproduction in theatres. The new system is available in six models for different sizes of theatres, ranging from 800-seat houses to theatres seating 7,000.

The new equipment is streamlined not only in appearance but also in its technical application. Batsel said that the company's years of experience with reproduction and recording were applied in working out the new models, taking into consideration the problems encountered in the booth and auditorium.

Sees Good Year for U. S. Films in Japan

(*Continued from page* 1)

meeting of the Diet, similar to one now in effect by which the major American companies will distribute 200 pictures there this year.

Under this agreement, Lowe said, the eight major American companies distributing in Japan are loaning the Japanese Government $750,000. It is not strictly a loan, as the money is transferred after payment to a bank in San Francisco and there held in escrow for the payees. In return the eight majors are allowed the 200 picture distribution, each company being alloted a certain number of films, based on the number it distributed in the previous three years. United Artists gets 20 under the arrangement.

Lowe was optimistic on the outcome of the Government's negotiations for a new agrement in April. The army is in control of the Government and the army is favorable to American pictures, he said.

Joe Golts, for 10 years with Metro in South America and the Orient, has succeeded Lowe in Japan.

1938 Film Exports To U.K. $940,000, Gain on '37 Value

WASHINGTON, Jan. 12.—Exports of motion picture film to the United Kingdom last year were slightly lower in footage but materially higher in value than in 1937, it is indicated by figures released today by the Department of Commerce.

Reporting on the British-American trade situation in anticipation of an improvement under the reciprocal trade agreement which went into effect Jan 1, the department disclosed that exports of film, exposed and unexposed, during the first 10 months of 1938 aggregated 49,276,000 linear feet, valued at $940,000, compared with 52,408,000 feet valued at $774,000 in the corresponding period of the preceding year.

Exports of motion picture sound equipment to the United Kingdom, however, were at a low level, totaling only $203,000 for the 10 months against $461,000 in 1937, it was shown.

Withdrawal from B&K Suit Granted

CHICAGO, Jan. 12.—Federal Judge Holly today granted permission to Goodman & Harrison, prominent local independent exhibitors, to withdraw as plaintiffs in the pending anti-trust suit of independents here against Balaban & Katz and major distributors.

The withdrawal action comes on the eve of the taking of depositions by the defendants, who had subpoenaed Julius Goodman for questioning tomorrow before Master in Chancery Charles McDonald.

Local exhibitors, surprised by the withdrawal move, are now anxiously awaiting developments, to see if any other of the independent exhibitor plaintiffs seek to withdraw. Personal attorneys for Goodman & Harrison had sought the withdrawal, whereas the attorney for the independents in the suit is the firm of Rosenberg & Stein.

Joseph Stern, owner of four theatres, and prominent Allied official here, will also withdraw from the action tomorrow, it was learned authoritatively today. Stern's withdrawal will leave 81 theatre plaintiffs as against the original 89.

'Buck' Baer Is Star Attraction at Ampa

Max Baer—Buck Baer now that Grand National is to star him in westerns—was the big attraction at the Ampa luncheon at the Astor yesterday.

Max confided that he's going back into films—he made one for M-G-M some years ago—because it's easier on the eyes than fighting. However, he has two bouts lined up, the second with Joe Louis for the heavyweight crown, and he hopes he wins, as that will help his popularity with the film fans, he said.

George Stevens, directors of RKO's "Gunga Din," and Joel Sayre, its scenarist, also spoke briefly. Douglas Fairbanks, Jr., its star, took a bow.

The Newsreel Parade

Completion of the aqueduct for Parker Dam and Harry Hopkins at a Senate hearing share the newsreel spotlight in the new issues. Fishing, boxing, wrestling and a golf tournament comprise the sports coverage. The reels and their contents follow:

MOVIETONE NEWS, No. 36—Senate group hears Hopkins. Daladier tours French Empire. Fishing in China. Shirley Temple starts "march of dimes." Giant bombers leave coast. Parker Dam aqueduct completed. Lew Lehr. Boxing. Golf tournament in Los Angeles.

NEWS OF THE DAY, No. 234—Daladier on inspection tour. Ship wrecks bridge. Hopkins at Senate hearing. Electric eels generate power. Shirley Temple starts anti-paralysis drive. Engineers finish aqueduct. Open golf tournament. Fishing fleet off to sea. Midget bouts.

PARAMOUNT NEWS, No. 47—Navy planes leave for Caribbean. Senate committee hears Hopkins. Musica brothers plead guilty. Electric eels run motor. Delaware bridge crash. Pig controversy in West Virginia. Twins have noses trimmed. Jimmy Demaret wins open golf. Boston bouts.

RKO PATHE NEWS, No. 51—Daladier visits Corsica. Senate queries Hopkins. New aqueduct aids irrigation. Miami fishing season opens. Evicted sharecroppers camp on highways. World's highest railroad. Golf tournament.

UNIVERSAL NEWSREEL, No. 736—Senator Walsh speaks. Aqueduct on Colorado River completed. Truck strike in Boston. Ship hits bridge. Train wreck in Oregon. Italian mothers receive gifts. Christmas trees burned. Club "to get jobs" organized in Boston. Spring hat fashions. Wrestling matches. Fishing tournament in Florida.

W8XNU Is Opened In Cincinnati for New Local Channel

CINCINNATI, Jan. 12.—W8XNU, a new station with an ultra-high frequency transmitter, operating on 25,950 kilocycles, or approximately 11 meters, with an output rating of 1,000 watts, has been launched by the Crosley Corp., operating WLW, WSAI and W8XAL here.

The station, designed especially for local areas, will be operated experimentally from 8 A. M. to 1 A. M. the following day in an effort to determine the adaptability of high frequencies in the territories served. The ultimate aim is to open a new broadcast channel for local listeners, relieving the crowded conditions on the regular broadcast band.

A new type antenna, designed by James Rockwell, Crosley technical supervisor, is being used. It permits the radiation of concentrated energy along the ground rather than in all directions. This will facilitate local reception, it is claimed.

Non-commercial programs, consisting largely of music and other material not available on other local area outlets will be featured for the present, eventually to be replaced by broadcasts by civic and religious groups and educational institutions, according to Joseph Reis, educational director.

The engineering staff will be required to make periodical reports to the F.C.C. on transmission over the hills of the city.

NBC, CBS Halted On Rome Broadcast

Both CBS and NBC yesterday made several attempts to receive short-wave broadcasts from Rome on the current conversations between Prime Minister Chamberlain and Premier Mussolini, but the efforts resulted in failure.

Network officials said they were at a loss to explain the ban that apparently has been placed on short-wave programs out of Rome. Their only explanation is that facilities have not been available for the broadcasts. The networks thus far have not been able to broadcast a single account of what has been transpiring.

Both networks will attempt again today to receive broadcasts from Rome—CBS with William L. Shirer, its Central European representative, and NBC with a speech by James M. Minifie, correspondent of the New York *Herald Tribune*.

NBC to Spend Million On Television in 1939

HOLLYWOOD, Jan. 12.—NBC will spend $1,000,000 this year for television experiments and programs in New York, Niles Trammell, executive vice-president, said here today. If the public reaction is satisfactory, he said, additional transmitters will be set up in key cities. Plans call for sending two-hour programs over the New York transmitter, he said, mostly studio shows with few outside pickups.

Radio Personals

MARGARET LEWERTH is back at work writing "Americans at Work" scripts after a siege of pneumonia. . . . Doris Rhodes, CBS singer, resumes her CBS series this week after three weeks in Florida. . . . Miliza Korjus of "The Great Waltz" is featured in two of RCA's latest recordings of tunes from the motion picture. . . . Harry Richman, whose appearances on the air have been infrequent, will be the guest of Benay Venuta over Mutual Sunday. . . . Felix Knight back from Hollywood and will resume his broadcasts.

✚

Jimmy Scribner of Mutual's network became the father of a boy yesterday. . . . Claire Trevor, vacationing in New York, has been engaged for a guest appearance on next week's Kate Smith broadcast. . . . Patsy Kelly will be heard on the Bob Hope show Jan. 17.

Asks Dismissal in Withycomb's Suit

WFIL Broadcasting Co. has filed application in the U. S. District Court for dismissal of the suit for $50,000 damages brought by Donald Withycomb, its former manager, for alleged breach of contract. Hearing on the application will be held Jan. 17. WFIL contends that since it is a Pennsylvania company, operating in Philadelphia, service of the complaint in New York was invalid. Withycomb had charged the defendants with breaching a contract of May 11, 1937.

Mrs. Warnow Dies

Mrs. Mark Warnow, wife of the CBS band leader, died of a heart ailment in Florida yesterday. Warnow flew to Miami and was with his wife at the end. Funeral details were not available last night.

Disney to Broadcast

Walt Disney will appear in the "Americans at Work" broadcast over CBS Jan. 21. The program will dramatize the story of animated films. The broadcast will originate on KNX.

Around the Country

Cincinnati

John F. Merrifield, WLW farm editor, will speak before the Annual Nursery School, at Hotel Alms, Jan. 26. . . . John Spears, promotional director of "Boone County Jamboree," WLW weekly commercial, piped to NBC, driving through Indiana and Kentucky for the "Jamboree" road units. . . . Special news bulletins covering activities of the Indiana legislature being received daily by WLW newsroom from Edmond C. Foust, editor of the *Hoosier Farmer,* and aired on Peter Grant's 8:15 A.M. daily newscast. . . . Jock Sutherland, coach of the Pittsburgh University football team, will be interviewed by Allen Stout, WKRC sportscaster, 5:45 P.M., Jan. 20. . . . WCPO, Scripps-Howard clear channel station, operated by *Cincinnati Post,* originally in Keith Theatre Building, moved studios and offices into new quarters in same structure. . . . Jerry Branch of WLW engineering department, moved into office of James D. Shouse, vice-president of the Crosley Corp., in charge of broadcasting, as technical adviser.

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Oklahoma City

Bill Salathe, KOMA publicity director, has purchased another Leica candid camera for his darkroom photographing activities around the station and for publicity purposes. . . . Hobart Bosworth will be here Jan. 27 for auditions with Rufus Lemayer, talent scout, to pick winners of the trials at KOMA. That evening the winners of the local auditions will be presented from the stage of the Criterion.

✚

San Francisco

Lou Frost, executive aide to NBC's coast vice-president, Don Gilman, here on semi-annual inspection trip of KPO and KGO. . . . Ralph Brunton, KJBS manager, is out of California Hospital after injury to his left leg, hurt in a fall. . . . KFRC publicity director and producer, Pat Kelly, married to Claire Conerty, former hostess there. . . . NBC continuity editor, Byron Mills, recovering after appendicitis operation.

GE Television Transmitter Most Powerful in Country

SCHENECTADY, Jan. 12.—The most powerful television transmitter in America will be put in operation during April by the General Electric Co. in the Helderberg Mountains, 15 miles from Albany, following approval of the Federal Communications Commission, received early this week.

Higher by 250 feet than the Empire State Building station, the television transmitter was built last fall. G. E. officials claim that stations in New York City cannot cause signal interference due to the transmitter's protection by the southern mountains.

G. E. will put out two television receivers in the spring, a table model showing pictures about three inches square; the other to show pictures 8 by 10 inches. The large model will cost more than $500, with the smaller expected to retail for approximately $175.

The television studio is to be in WGY, Schenectady, with G. E. developments assuring a better broadcast. Film will be used for fill-in when studio programs are not available but the use of film will be kept down to a minimum, officials intimated.

Banner LINES

"DOC" ROCKWELL is entertaining a whimsical idea. His hope is that he will some day possess enough money to sponsor his own network program in behalf of a product of his own imagination. He then will sit back and relax while the whole of America goes dippy trying to buy a non-existent commodity.

▼

Mutual's press staff huddled yesterday, groping for an appropriate idea for a picture to be taken of Bob Hawks in the new Skytop studio on the 50th floor of the Chanin Building, from whence Hawks' future broadcasts will emanate. What evolved from the huddle will be seen when pictures appear in print.

▼

—JACK BANNER

AFRA Board Calls For Walkout Vote

(*Continued from page* 1)

the American Advertising Agencies Association submission of a scale of payment for artists appearing in commercially sponsored network programs, the provisions of which, AFRA holds, are far under the scale already being paid by the agencies.

AFRA has been conferring with the committee representing the advertising agencies since January of last year for the purpose of improving and stabilizing wages and working conditions for performers in radio. These meetings culminated in a conference last week when the agencies proposed minimum scales which AFRA declared so far below existing prevailing rates that the AFRA representatives declined to continue the conference.

2 Causes Dismissed In Bamberger Suit

Federal Judge Henry W. Goddard has dismissed two of three causes of action against the Bamberger Broadcasting System, Inc., Mutual Broadcasting System, Inc., Charles Dallas Reach Co., Fred Norman, Tim Ryan and Irene Noblette in a suit brought by Roger White for $55,200 damages and an injunction.

Judge Goddard ordered Miss Noblette, Reach and Rvan to appear for examination in reference to the first cause of action. White is suing on a charge that the defendants are broadcasting, without his consent, over WOR and affiliated stations, a program "Fun in Swing Time" allegedly owned by him.

"Moonbeams" Renewed

George Shackley's program, "Moonbeams," has been renewed over WOR for 26 weeks by Gambarelli & Davitto, wine merchants. Time has been changed from 9:30 to 10 P. M. Fridays, to 11:15 to 11:45 P. M. Fridays.

Dies Talks on Mutual

Address by Congressman Martin Dies was broadcast last night from 10:30 to 11 over the Mutual network through last minute arrangements. Dies spoke on "Americanism" before the Chicago Employers' Association.

off the press

. . . the only pan-American motion picture business magazine . . . now entering its third year of publication

TEATRO AL DIA—a Quigley Publication now entering its third year—presents in its current issue a complete picture of the motion picture situation in Latin America. It covers the activities of the trade from Argentina to Venezuela, and, in addition to film news, it carries authoritative advice on construction, equipment, operation and maintenance of the theatre. . . . It's doing a man-sized job in the sister republics of the Continent, and has won the approval and respect of all Spanish-speaking exhibitors. » » »

TEATRO AL DÍA

A QUIGLEY PUBLICATION

ROCKEFELLER CENTER » » » NEW YORK

'Kentucky' Leads Field in Denver, Tallying $12,500

DENVER, Jan. 12.—"Kentucky" set a lively pace here, taking a strong $12,500 at the Denver, as all first runs except one did better than average.

"Artists and Models Abroad" grossed a good $8,200 at the Denham, and "Sweethearts" garnered $10,000 at the Orpheum.

Estimated takings for the week ending Jan. 11:

"The Dawn Patrol" (W. B.)
ALADDIN—(1,400) (25c-40c), 7 days. Gross: $4,500. (Average, $3,500)
"Up the River" (20th-Fox)
"Blondie" (Col.)
BROADWAY—(1,100) (25c-40c) 7 days. Gross: $1,000. (Average, $2,500)
"Artists and Models Abroad" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days. Gross: $8,200. (Average, $6,000)
"Kentucky" (20th-Fox)
DENVER——(2,525) (25c-35c-50c), 7 days. Gross: $12,500. (Average, $8,500)
"Sweethearts" (M-G-M)
ORPHEUM—(2,600) (25c-35c-50c), 7 days, 2nd week. Gross: $10,000. (Average, $8,000)
"Little Tough Guys in Society" (Univ.)
"Down on the Farm" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Trade Winds" (U. A.)
"The Last Warning" (Univ.)
RIALTO—(878) (25c-40c), 7 days. Gross: $2,500. (Average, $1,750)

Technicians Discuss Award Rule Changes

HOLLYWOOD, Jan. 12.—Members of the technicians branch executive committee of the Academy of Motion Picture Arts and Sciences have met to consider possible changes in technical awards rules. Special consideration was given to the rules governing the award for scientific or technical achievement. The Art Directors awards rules committee is also meeting on possible rule changes.

A meeting of the research council sound track standards subcommittee has been postponed to permit further study by individual members of data to be considered.

Settlement Reached In Henry Rose Suit

A stipulation has been filed in the U. S. District Court settling and discontinuing the plagiarism suit brought by Henry Rose against M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's, Inc., and Culver Export Corp. The terms of the settlement were not disclosed in the stipulation. Rose brought suit in August, 1937 for an injunction, accounting and judgment for damages, charging the defendants with having plagiarized his play, "Burrow, Burrow," copyrighted on July 3, 1934, in the picture, "Man of the People."

Warners Change Title

HOLLYWOOD, Jan. 12.—The release title of the Warner picture, "Broadway Cavalier," featuring Wayne Morris, Pat O'Brien and Joan Blondell, has been changed to "The Kid from Kokomo."

Fairbanks, Jr., Signed

HOLLYWOOD, Jan. 12. — Dougals Fairbanks, Jr., was signed today by Paramount for the role of Lancelot in "Knights of the Round Table."

Out Hollywood Way

HOLLYWOOD, Jan. 12.—JACK HIVELEY, film editor at RKO, has been made a feature director, and will guide "They Made Her a Spy," SALLY EILERS' next vehicle . . . Warners is starting preparations on two more historical short subjects in color, one based on the life of ANDREW JACKSON and the other on the life of STEPHEN COLLINS FOSTER. CHARLES TEDFORD will write the scripts . . . M-G-M has started shooting "Tarzan in Exile," its fourth Tarzan picture. JOHNNY WEISSMULLER again plays the title role, and will be supported by MAUREEN O'SULLIVAN and CHITA, the Chimpanzee . . . Paramount again will co-star MADELEINE CARROLL and FRED MACMURRAY, in "Are Husbands Necessary?" JEFF LAZARUS will produce . . . SHIRLEY ROSS will support BOB HOPE and MARTHA RAYE in "The Cat and the Canary" at Paramount.

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Casting—Warner placements: RONALD REAGAN and GRANT MITCHELL to "Hell's Kitchen," FRANK MCHUGH to "The Roaring Road," GALE PAGE to "Fly Away Home," and IRVING PICHEL to "Juarez" . . . HATTIE MCDANIEL draws the role of "Mammy" in "Gone with the Wind," Selznick International . . . J. CARROLL NAISH to "Beau Geste," Paramount. . . . EDWARD ARNOLD and BINNIE BARNES to Paramount's "Man About Town" . . . STANLEY RIDGES and RICHARD LANE to "Union Pacific," Paramount.

✚

Writers—JOHN WEXLEY joins MILTON KRIMS on "Confessions of a Nazi Spy," Warners . . . GEORGE BRICKER, CHARLES CURRAN and WALTER WISE are working on "The Great Coster Swindle," at Columbia . . . WILLIAM K. "BILLY" WELLS has joined Grand National's writing staff to work with director AL CHRISTIE . . . ANTHONY COLDEWEY has been assigned to the script of "Floating Paradise."

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Titles—Grand National has changed the title of "Lady Buckaroo" to "The Singing Cow Girl."

Jones to Argentina As RCA Supervisor

Harry W. Jones, RCA Photophone engineer, sails tomorrow on the *Uruguay* for Buenos Aires where he will supervise the recording activities of studios licensed by RCA.

His appointment as sound engineer for RCA Victor Argentina is in line with the rapid development of production in the Argentine. RCA is providing equipment and recording engineers for the studios. The work was originally started by M. S. Klinedinst, who is returning to the United States after a year in the Argentine.

RCA has five recording installations in that country, operated by Argentine Sono Films, Establecimientos Filmadores Argentinos and Estudios San Miguel. Similar recording devices are available in Brazil and Chile.

North Carolina Town Vetoes Sunday Films

SMITHFIELD, N. C., Jan. 12.—Residents of Smithfield have voted down a proposal to allow films on Sunday. The vote was about three to one against the proposal.

The fight has been going on for several years, but each time H. P. Howel, local theatre owner, requested permission from the Town Council to operate on Sunday, they voted it down. The board decided to let the citizens settle it.

N. V. A. Benefit Feb. 19

Annual benefit performance of the National Variety Artists will be held at the Alvin Theatre, Sunday, Feb. 19. James J. Walker and George M. Cohan are co-chairmen of the benefit performance, which will be aided by stage, screen and radio stars.

"Mamlock" Ban Final

COLUMBUS, Jan. 12.—Following an additional review of "Professor Mamlock," at the request of film men and others, the Ohio censor board has permanently banned the picture in Ohio. It previously was rejected.

Woolf Appeals for Care in Production

LONDON, Jan. 12.—C. M. Woolf, managing director of General Film Distributors, pleaded for greater care in production, at a luncheon here yesterday for the press, preceding a screening of "The Mikado."

Care in production is more important than an increased film quota, he declared.

High Naval Officers At "Wings" Preview

HOLLYWOOD, Jan. 12.—Warners last night played host to 50 top naval officers, including Rear Admiral Sinclair Gannon, at a party and dinner at the Beverly Hills Hotel prior to the preview of "Wings of the Navy" at Warner Hollywood.

Included among the guests were Olivia de Havilland, John P[illegible]e, Frank McHugh and Regis To[illegible]y, members of the cast; Dr. Armandos Fleury de Barros, Brazilian Consul; Col. Ralph J. Mitchell, commandant of the U. S. Marine Corps Air base at Coronada; Brig. Gen. James J. Meade, U. S. M. C., and Mrs. Meade; Capt. and Mrs. William Greenman, U. S. N., and Capt. and Mrs. M. S. Tisdale, U. S. N.

Name Cohen as NSS Eastern Sales Head

Jack Cohen, Metropolitan sales manager for National Screen Service has been promoted to eastern division manager, a newly created post, effective on Monday.

He will be responsible for all sales activity in the Metropolitan New York area, and in Boston, Philadelphia, Washington, Cleveland, New Haven, Albany, Buffalo and Pittsburgh.

Loew Boston, $302,125

Loew's Boston Theatre Co. reports net income of $302,125 for the fiscal year ending Aug. 31, equal to $1.9[illegible] each on 155,249 shares of capital stock. This compares with a net of $319,26[illegible] for 1936-7, equal to $2.06 a share.



Get under cover, Topper! That ghost has arrived thru the keyhole again!

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 10 NEW YORK, MONDAY, JANUARY 16, 1939 TEN CENTS

Picture Merit Basis of U. A. Releasing Plan

Distribution Formula Is Chief Coast Topic

HOLLYWOOD, Jan. 15. — United Artists stockholders who have been meeting here in annual session beginning Thursday last, reconvene tomorrow afternoon. They have been discussing a new distribution formula for themselves as producers, and for affiliated producers. This new distribution formula is "a merit formula." Producers, whether owners or affiliated, receive the same consideration under this new distribution plan. Conclusion of these discussions on the plan probably will be reached at tomorrow's session.

Maurice Silverstone, operating head of the company, whose plan this is, has been outlining its merits to the stockholders who are assembled here

(*Continued on page 9*)

Theatres Hit by Heavy Snowstorm

Heavy snowfall which was general over most of the Eastern seaboard on Friday and Saturday, and which reached depths of eight to ten inches in the metropolitan area, seriously affected theatre attendance over the weekend.

Business was adversely affected by the storm from Washington to Boston. Striking the metropolitan area early Friday afternoon, heavy snowfall had traffic at a standstill in many sections of the city and at all bridge approaches by early evening. Sidewalk conditions discouraged pedestrians as much as street conditions did vehicular traffic with the result that Broadway houses, as well as neighborhoods and suburbans, felt the effects acutely.

206 Theatres Built In Britain in 1938

LONDON, Jan. 15.—Two hundred and six new theatres were built in Britain between October, 1937, and October, 1938, and 280,000 seats were thus added to the country's total, states a statistical survey undertaken by *Today's Cinema*. The survey also records 39 major reconstructions in British picture houses.

Radio—Page 11

Houses of 2 States Set Refugee Benefit

New Orleans, Jan. 15.—Entire gross proceeds of every theatre in Louisiana and Mississippi on Jan. 26 will be donated to the relief of European refugees, according to a plan disclosed by E. V. Richards, general chairman; Arthur Lehman, chairman for Mississippi and Abe Berenson, chairman for Louisiana.

Cooperation from all quarters has been assured, it is said.

Indict 'Big' Nick In St. Louis on Extortion Charge

ST. LOUIS, Jan. 15.—John P. "Big" Nick, head of St. Louis Theatrical Brotherhood No. 6, and M. P. Operators' Union, No. 143, has been indicted by a state grand jury here for alleged extortion of large sums from exhibitors by threats of ruinous salary demands through the projectionists' union he controls.

Indicted jointly with him was Edward M. Brady, member of the Missouri legislature, who is alleged to have received a check for $10,000 from a committee of exhibitors in 1936 to be turned over to Nick. Members of the committee were before the grand jury. The check in question bore the indorsements of Clarence H. Kaimann and Louis Landau, theatre owners and members of the committee, as well as that of Brady.

Nick, who has been confined to his home for the past several weeks because of illness, has not been arrested. Efforts to find Brady during the past several days have been futile.

To Announce "Quiz" Winners on Feb. 15

Winners of the 5,404 prizes in the industry's $250,000 "Movie Quiz" contest will be announced about Feb. 15, it is expected by the Motion Pictures' Greatest Year campaign office. The contest ended Dec. 31.

Radio & Publications Contests, Inc., which is doing the preliminary judging, believes the total number of entries is slightly higher than the estimated 2,000,000, but no definite check is available.

The contest organization is inspecting entries at the rate of about 70,000 a day. About 100 checkers are at work on the booklets in day and night shifts of eight hours each. Final judging is expected to start in two weeks.

Allied Board Opens Annual Meeting At Capital Tomorrow

WASHINGTON, Jan. 15.—Allied's national legislative program for the year, the trade practice proposals, 1939 financial quotas for each member unit and election of officers will engage the attention of the national directors at their annual meeting here Tuesday and Wednesday.

A vote on the proposed trade practice program is among important business on the agenda. The board's attitude will be influenced by the results of the joint conference here tomorrow between the distributors and Allied's committee.

Allied is celebrating its 10th year as an organization and will mark the occasion at a "Founders' Dinner" on Tuesday night at the Carlton Hotel, where all sessions will be held.

The board will vote on applications for membership by exhibitor organizations, following the report of the executive committee thereon.

To Elect Officers

Officers will be elected Wednesday, following the nominating committee's report. Present officers are: Nathan Yamins, president; Abram F. Myers, chairman and general counsel; Herman A. Blum, secretary and treasurer; Arthur K. Howard, recording secretary; Sidney Samuelson, Arthur B. Price and Yamins executive committee. Regional vice-presidents are to be appointed by the president.

New Jersey Allied will be represented at the directors' meeting by George Gold, president; Harry Kridel, vice-president, and Lee Newberry and Sidney Samuelson, directors. Samuelson is a member of the national executive committee.

The New York unit's delegation includes Max A. Cohen, president; Harry G. Kosch, counsel, and E. Thornton Kelly, organizer.

H. M. Richey, director of theatre relations for RKO; Charles L. Casanave, general manager of National Screen Accessories, and Pete Harrison will attend the dinner.

AFRA Vote on Strike Question Thursday

New York members of the American Federation of Radio Artists will cast ballots on the strike issue next Thursday night. Voting will start at the Astor at 9 P. M. Chicago members will vote on Friday. Coast affiliates have not come to a decision on the question.

Distributors' Trade Pact to Be Rewritten

Objectionable Parts to Go, Says Kuykendall

M.P.T.O.A.'s executive committee has been given to understand that the initial draft of the distributors' trade practice proposals will be "completely rewritten and one or two objectionable clauses will be eliminated entirely" from the new draft, Ed Kuykendall, M.P.T.O.A. president, asserted in a statement issued on his departure from New York over the weekend, following conferences with members of the distributors' negotiating committee.

Kuykendall did not identify the "objectionable clauses" which are to be eliminated from the new draft but he did say that the cancellation clause would be clarified and in its revised form would be "better understood."

Further negotiations on the trade practice program are not anticipated by the M.P.T.O.A. committee, it was said, until work on the new draft has been completed by the distributors and their attorneys. This may require more than a month, thereby materially lessening the chances of a self-regulatory trade program being placed in effect

(*Continued on page 9*)

1939 Film Budget Is Put at $150,000,000

Hollywood's 1939 production budget will aggregate from $135,000,000 to $150,000,000, Ed Kuykendall, M.P.T.O.A. president, estimates. He points out that much of this expenditure will be applied to the recreation of early American scenes and historical research of interest to individual communities and regions.

Kuykendall indicates that much of this historical material employed in production will be made available to interested civic agencies by the producing companies. In a statement he urges exhibitors to cooperate with chambers of commerce and assist in obtaining strips of film or particular sequences from productions through local exchanges. Kuykendall suggests that the material be made the keystone of individual historical collections in American communities.

Purely Personal

MRS. L. S. EYSSEL and her son, Gus, sailed for Bermuda Saturday. They will be gone about three weeks. Gene Snyder, co-director of the Rockettes, sailed, too. Gus Eyssel is secretary of the Radio City Music Hall Corp., and assistant to W. G. Van Schmus, president of the Radio City Music Hall Corp., and managing director of the theatre.

•

George J. Schaefer, RKO chief executive, and Ned E. Depinet, vice-president in charge of distribution, are scheduled to arrive at the RKO studio today for 10 days of production conferences with Pandro S. Berman.

•

Ben Washer, Charles Stern, Charles Driscoll, Bernie Sobel, Sam Lyons, Pat Casey, Ike Libson, William Sussman and Max Cohen, at the Astor Hunting Room for luncheon Friday.

•

Marcel Hellman, English producer, sailed Saturday on the *Paris*. Also Jean Gacon de Cavaignac, French producer, and Samson Kritsberg, former Amkino head, who will vacation in Russia.

•

E. J. Schulte and Charles R. Gilmour, president, Rocky Mountain Theatre Owners, who represented that organization in the trade practice meetings here last week, have returned to Denver.

•

Gracie Fields arrived in New York from the coast over the weekend after completing work for 20th Century-Fox in "Smiling Along." She will be here about a week before sailing for England.

•

Ann Sothern with her husband, Roger Pryor, open at Loew's State on Thursday. They have been barnstorming in New Jersey.

•

John Barrymore and his wife, Elaine Barrie, arrived in New York from the coast yesterday and will begin rehearsing at once for the play, "My Dear Children."

•

Milton Bren, who came to New York for the opening of "Topper Takes a Trip," has left for a short vacation at Sun Valley, Idaho, before returning to the coast.

•

Bill Chambliss and Jim Johnson of 20th Century-Fox leave tonight by plane as escorts for four women fliers in the company's "Tailspin" tour to exploit the film.

•

George Stevens is vacationing here and will attend the opening of "Gunga Din," which he produced and directed, at the Music Hall Jan. 26.

•

Tex Ritter, Monogram western star, has started a two-month personal appearance tour which will take him to 52 towns.

•

Nicholas M. Schenck, president of M-G-M, has accompanied his family to their winter home in Miami Beach.

•

Ted Reed has left Hollywood for New York to see "What a Life" which is his next directorial assignment for Paramount.

•

Walter J. Hutchinson, 20th Century-Fox foreign chief, has deferred his trip to the coast, due to an eye infection.

•

Ed Schnitzer, Eastern district manager for Warners, returns today from Buffalo.

•

Leo Abrams, Universal New York exchange manager, left over the weekend for a Florida vacation.

•

Betty Goldsmith celebrated her ninth year with the Samuel Goldwyn office, Friday.

•

Janet Gaynor arrived in New York over the weekend for a vacation visit.

Insiders' Outlook

By SAM SHAIN

SIR MAURICE BONHAM CARTER believes that the film industry should be permitted to build up its own television service.

He thinks that the British Broadcasting Corporation, therefore, should widen its scope and encourage television by live showmen, so that an exchange of services and of technical help may be had, for the benefit of all. Perhaps sponsored programs might follow.

Carter would like to see the world's greatest entertainment industry and all its resources at the disposal of the new art.

▼ ▼

Dear Sam:

Beyond thanking you for the kind words you have printed concerning my association with *"The Lady Vanishes,"* I can say only one thing . . . it is to the credit of both the Press and the Public that they recognized, and continue to recognize, a great picture and a great director. You and they share many times my responsibility for the success of Hitchcock and *"The Lady Vanishes."*

Sincerely,
Albert Margolies

(Ed. Note: The underlines are Margolies'—we had called the film, "The Vanishing Lady.")

▼ ▼

New Zealand exhibitors operating first run houses are credited with having conceived a very decisive—if one-sided—means of eliminating all clearance and zoning complaints permanently in their native land. They have proposed amending the 1937 Cinematograph Regulations with provision for the designation of a state licensing official who would license houses to operate either as first, second or third runs. Houses so licensed would be required to continue on that policy permanently. Under the law, no distributor would be permitted to sell any other run of product to a theatre than that designated by its license.

▼ ▼

That David O. Selznick had selected Vivien Leigh for the role of Scarlett O'Hara in "Gone With the Wind" was published in Motion Picture Daily on Tuesday, Jan. 12. Selznick made the official announcement here through Steve Hanagan, on Friday.

▼ ▼

Few firms can boast of the long uninterrupted relationship such as exists between National Screen Service and National Theatres (Fox-West Coast), most important Pacific Coast circuit which is operated and managed by Spyros and Charles Skouras.

To further cement this record of good relationship, National Theatres closed a new deal with NSS for the latter's *Pre-vue* trailers.

Under the new general contract which has been signed, the first National Theatres group to obtain the NSS *Pre-vue* product are the 199 theatres which comprise the West Coast division.

This deal is one of many which attests to the effectiveness and diversified nature of the NSS product which keeps abreast of the times in style of presentation and meets the requirements of all theatres.

▼ ▼

Paramount would be the most seriously affected of the three companies having theatre affiliates in Nebraska, should that state's divorcement measure be enacted and upheld by the Supreme Court. Paramount owns or has an interest in about 85 theatres in the state operated by A. H. Blank and J. H. Cooper. National Theatres (20th Century-Fox) operates about 15 theatres in the smaller Nebraska cities, and RKO has three or four, two of which are in Omaha and are operated by Mort Singer.

Passage of the companion measure to the Nebraska divorcement bill, providing for licensing and regulation of distributors by the state, and imposing a $1 per reel tax on all films brought into the state would, of course, affect every distributor doing business in Nebraska.

Vivien Leigh Wins Role of "Scarlett"

David O. Selznick announced on Friday that Vivien Leigh, British actress will play the role of Scarlett O'Hara, in "Gone With the Wind." Clark Gable will play the role of Rhett Butler. The screenplay was written by Sidney Howard and Oliver H. P. Garrett. Production of the picture which will be in color begins within two weeks.

Miss Leigh has appeared in several pictures made by Alexander Korda, such as "Dark Journey," "Fire Over England," and "Storm in a Teacup," released by United Artists.

She also appeared in Metro's British-made film, "A Yank at Oxford." The deal with Miss Leigh was made by arrangement with Korda, who holds Miss Leigh's contract. Korda retains her services for one picture a year.

Joseph B. Platt has arrived in Hollywood to design interiors for the picture.

"Jesse James" Gets Off to Flying Start

"Jesse James" is doing the biggest business at the Roxy since "Alexander's Ragtime Band" last August. The opening day's gross, Friday, was $10,218, with an attendance of 23,385, despite the heaviest snowstorm and worst traffic jam of the winter. There were 2,300 persons in line before the doors opened.

Saturday's business was reported better than Friday's.

The Roxy run is the world premiere. The film opens Wednesday at the Chinese and State in Los Angeles and will get 27 pre-release runs starting Jan. 20. National release is Jan. 27.

The local campaign comprised newspaper ads starting Sunday before opening, 170 24-sheets, 480 one-sheets at subway stations, distribution of 10,000 reprints of old-time Jesse James novels and a parade of masked horsemen in the downtown section.

Montague Returns

Abe Montague, Columbia general sales manager, has returned from an extended trip to the coast and Honolulu.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall. manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

At this very moment there is no topic more timely than America's air defense. This, the 'Dawn Patrol' producers have developed into one of the most spectacular entertainment accomplishments of the present day. A hats-off offering!

"WINGS OF THE NAVY"

Filmed at the U. S. Naval Air Bases on Both Coasts!

George Brent · Olivia De Havilland · John Payne

Also Frank McHugh • John Litel
Victor Jory • Henry O'Neill
Directed by LLOYD BACON

The perfect release for National Defense Week, starting on
LINCOLN'S BIRTHDAY
(Backed by Cosmopolitan's strongest newspaper campaign!)

Original Screen Play by
Michael Fessier
A Cosmopolitan Production

WARNER BROS.; First National Pictures

"JESSE JAM

TRAMPLE EVERY

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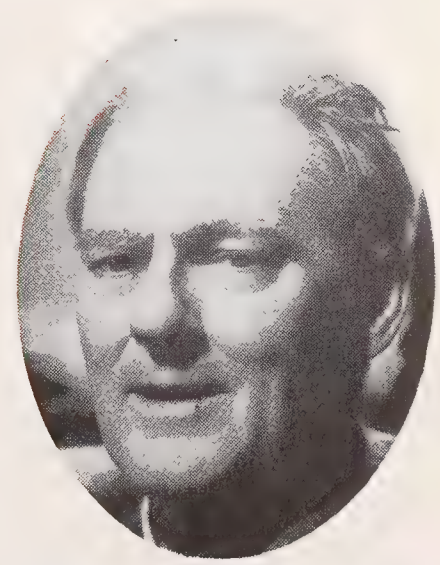
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LIONEL BARRYMORE

Reviewing the Latest in Short Subjects

"World Windows"

(United Artists)

Looking through seven of the "World Windows," entirely new possibilities for travelogues may be seen. For color, direction, cutting and sheer dramatic sweep, these short subjects hit a new high in program entertainment.

Narration becomes a minor accessory as the camera is permitted to tell its tale. Instead of the customary excitement of a too-vivid commentator, it is the unusual camera angles and the musical scoring that are used to convey the magnificence of the setting.

Vesuvius in Action

The seven subjects are taken from Italy, Arabia and Palestine. "Rome Symphony" is set in the Eternal City, high-lighted by views of St. Peter's and the Coliseum. In "The Eternal Fire," we see Mt. Vesuvius pouring out its hot lava, and the once buried city of Pompeii. Fox Hunt in "The Roman Campagna" is a typically British fox hunt which takes place in Italy. "Petra, the Lost City" is the portrait of a community which once thrived by levying tribute on passing caravans, but is now only a monument to successive civilizations which carved their homes and temples into the solid rock. The spirit of three religions, Christian, Jewish and Mohammeden, are caught in "Jerusalem" with its views of the Wailing Wall, the tomb of the Virgin Mary and the Garden of Gethsemane. In "Wanderers of the Desert" we find Bedouin tribes in their colorful and picturesque customs. "Arabian Bazaar" brings to life the markets and streets of the Near East.

One Without Narration

"Arabian Bazaar" was previewed without narration and should be left that way. Shots of the merchant types and the dancing girl, together with the musical accompaniment, give it all the dramatic quality it needs. Judged, however, by the sound tracks in the remainder of the series, it will not detract from the beauty of the camera work. A program note declares that the series is "opposed to the and-now-as-we-say-farewell-to-picturesque-old-Britanny school of travelogues." The purpose was accomplished with signal success.

Count and Countess Keller and John Hanau produced the series. Hans Nieter directed most of them and did all the editing. Giacomo Gentilome furnished the direction in "Rome Symphony," Alessandro Blasetti deserves credit for outstanding direction in "Fox Hunt" and Pietro Francisci assisted Nieter in "The Eternal Fire." Jack Cardiff rates mention for his camera work.

Running time varies between eight and nine minutes. "G."*

"March of Time, No. 5"

(RKO)

In this issue "March of Time" attempts with success to picture the refugee problem which is becoming increasingly serious in the world today, first that of China and Spain, but most particularly, that which has resulted from the persecutions of the Nazis in Germany. Titled, "The Refugee, Today and Tomorrow," the subject pictures the extent of the Hitler drive on all opposed to him, and the bestial attacks on Jews. There is pictured the attempts to resettle the persecuted in other lands, and the film points out pictorially the marked degree of success attained by the Jews in establishing themselves as farmers and business men in Palestine. The film is well handled, presenting a clear picture of the problem, in the limited time of a short. Running time, 17 mins. "G."*

"Lincoln in the White House"

(Warners)

From Lincoln's inauguration to the Gettysburg address, this Historical Featurette, in color, dramatizes some of the highlights of the Great Emancipator's career, at the same time providing a moving document of his human qualities. His conflicts with the cabinet, his domestic life and incidents of the Civil War are well handled. Stressing national unity, the theme is timely, and the film is a worthy successor to Warners' "Declaration of Independence." Frank McGlynn, Sr., handles the role with feeling. Others in the cast are Dickie Moore, John Harron, Raymond Brown, Erville Alderson and Sibyl Harris. William McGann directed. Running time, 20 mins. G.*

"Dog Gone Modern"

(Warners)

Two pups get tangled up with new fangled gadgets in a modernistic apartment. One has an unfortunate affinity for an electric dish washer. The other has a tough time keeping a bone away from an automatic sweeper. A "Merrie Melody" cartoon. Running time, 7 mins. G.*

"Nautical Knights"

(Universal)

This Mentone short-revue holds better than average entertainment value and is exceptionally well staged. Arthur and Morton Havel promote an impromptu entertainment on shipboard for their own financial benefit, serving as masters of ceremonies for the affair. This introduction permits the staging of several good variety acts as part of the entertainment. Among these are Moore & Revel, dancers; Stump & Stumpy, eccentric dancers; Judy Starr, singer.

The acts are uniformly good and the musical accompaniment is above average. The subject should fit with any type of feature. Running time, 19 mins. "G."*

"Men of Steel"

(M-G-M)

Taking its cue from the Broadway hit, "Pins and Needles," M-G-M has produced another labor *vs.* capital musical. It is a tuneful and laugh-provoking subject and a gay satire. Three original songs are heard with Kenneth Stevens and Doris Weston in the leading roles. The continuity deals with the problems of an employer who is faced with a factory shutdown because his employes decide to stage a show. Running time, 21 mins. "G."*

'Stranger Than Fiction, No. 58'

(Universal)

Another good selection of oddities from many places makes this newest of the "Stranger Than Fiction" series a worthy successor to its predecessors. The material is selected and edited with discrimination and a good sense of news and human interest values, qualities which have distinguished the entire series.

In this release are shots of a southern schoolmaster in his annual game of marbles with the champion of the schoolyard. If the master loses, the entire student body gets a vacation. If he wins, it's school as usual. He wins. New plant culture methods being used in California and the results obtained from them are pictured. The original submarine, developed by the Confederacy during the Civil War, is shown. Profitable hobbies of talented women—one fashions blossoms and decorations from fish bones, another dolls to represent historical characters —are pictured. A self-loading truck and a collection of bells of all varieties complete the contents of the reel. Running time, 9 mins. "G."*

"King Vulture"

(Columbia)

Attractive sepia tint, lifting narrative by Jack Kofoed, and beautiful photography, of the high Sierras of California combine to make "King Vulture" a good subject. However, the highspot of the reel, the attack of the king vulture upon the scientist seeking to collect the vulture's eggs for a museum, is excitinglv portrayed. It should win the favor of audiences. Basil Ruysdael does the narrative. Running time, 10½ minutes. "G."*

"Sydney, Pride of Australia"

(FitzPatrick-M-G-M)

The colorful harbor of Sydney and the quaint animal life of Australia make this Traveltalk a welcome addition to the series. Starting with the tremendous bridge over the harbor, the beaches, government buildings, zoos and parks are toured. Worthwhile. Running time, 9 mins. "G."*

"The Human Bomb"

(Warners)

Floyd Gibbons, in another of "Your True Adventures" series, re-enacts the story of the maniac who enters a police station with a bomb and threatens to explode it unless the chief is instrumental in getting $200,000 in 30 minutes. A newspaper photographer saves the day by diverting the human bomb's attention, while the cops grab him. Running time, 12 mins. G.*

"Going Places, No. 58"

(Universal)

Cape Cod windmills and the island of Corsica are the camera subjects for this newest of the "Going Places" series. Glimpses of the last remaining Cape Cod windmills reveal the inspiration for the toy craftsmanship of a native of the section who fashions replicas in every conceivable design.

Scenic views of Corsica, its coast, interior and waterside villages, comprise the second half of the reel. Graham McNamee's narration covers highlights of the island's history. The reel is a good addition to this interesting series. Running time, 9 min. "G."*

"Sophomore Swing"

(Warners)

"Cats" will go to town with this one, which is not a jive piece but plenty jitterbug. It's amusing to others, too. Swing is king on a college campus, and the faculty are at their wits' end. They try to handle the mania learnedly, but it all ends up with a grand swingfest. The Merry Macs and Harvest Moon Dancers are featured. Running time, 20 mins. G.*

"The Wrong Way Out"

(M-G-M)

Tracing one of the principal causes of juvenile delinquency to youthful impatience, the latest of the "Crime Does Not Pay" series depicts a young couple who elope against their parents' advice. They yield to the temptation of a simple theft and wind up with holdup and murder. A forceful presentation of the subject. Running time, 17 mins. "G."*

"Mental Poise"

(M-G-M)

"Dr." Robert Benchley, psychiatrist, finds among his clientele Robert Benchley, patient. The similarity upsets him and, in typical Benchley confusion, the patient ends by treating the doctor. As hilarious as ever. Running time, 7 mins. "G."*

"Mechanix Illustrated, No. 2"

(Warners)

Manufacture of illuminating gas from coke; assembly of a flivver plane; modeling of store window figures; blending of cosmetics and the art of makeup demonstrated. All interesting and in color. Running time, 10 mins. G.*

"Practical Joker"

(M-G-M)

"Our Gang" sets out to discover who has been playing practical jokes on the boys. Butch is found responsible and revenge is sought by planting a firecracker under a candle in his birthday cake. Alfalfa's singing as he holds the cake with knowledge that it is about to explode will bring guffaws from any audience. Running time, 9 mins. "G."*

"Clyde Lucas and His Orchestra"

(Warners)

Tuneful turn in which the orchestra and its leader demonstrate their versatility by playing and singing varied numbers and performing musical stunts. "When the Circus Comes to Town" is well done. There is also interpretive dancing. Running time, 10 mins. G.*

*"G" denotes general classification.

Paramount Sues to Halt Blumenthal's Suit on Contract

Paramount Pictures, Inc., filed suit on Friday in the N. Y. Supreme Court seeking to restrain Ben Blumenthal from prosecuting action for an undisclosed amount against it in England for alleged breach of a contract in connection with the sale of Paramount-controlled theatres there.

Paramount alleged that it was served in New York on Dec. 27 with a writ returnable on Jan. 24, issued from an English court, which charged it with failing to remunerate Blumenthal on the sale of English theatres, and with violating an agreement to sell the theatres to a purchaser obtained by Blumenthal.

Paramount will seek a temporary injunction on Jan. 18, arguing that the British court is without jurisdiction, and that the dispute should properly be tried in New York, since negotiations took place here and all witnesses live here. In addition, Paramount asserts that it owns no theatres in England, but only stock in British theatre-owning companies.

Merit Is Basis of UA Releasing Plan

(*Continued from page* 1)

with their attorneys. The discussions have been entirely harmonious.

Whatever executive matters there are to be presented at these stockholder sessions have not yet been taken up, apparently. Probably at the conclusion of the discussions on the new distribution plan, the stockholders will continue their talks to include executive matters.

Officially there has been no indication whether the stockholders will consider at this session the matter of naming a president. United Artists is the only company in the trade in the unusual position of not having a president. The operating reins are held by Maurice Silverstone, whose powers of management cannot be abridged in any form. He is the general manager, and to name anybody else president of the company requires unanimous vote by the stockholders.

There will be no board meeting in California.

Korda to Make Four

HOLLYWOOD, Jan. 15.—Alexander Korda (London Films) will make four films for United Artists 1939-'40 release. Two of these are likely to be made in London and two in Hollywood.

There is a possibility, according to present indications, of Irving Asher, associate producer of London Films, producing in Hollywood for Korda. Korda and Asher are now discussing this possibility.

Warwick Handles Four

Warwick Pictures, Inc., is distributing four melodramas on the state rights market. Syndicate Exchange, New York, and Monarch Pictures, Pittsburgh, have taken the films. They are "Manhattan Shakedown," "Special Inspector," "Murder Is News" and "Death Goes North."

Distributors' Pact Will Be Rewritten

(*Continued from page* 1)

before the new selling season opens. M.P.T.O.A., however, is still insisting that individual proposals be made effective immediately upon being approved and not withheld until a complete program is agreed upon.

Kuykendall's statement asserted that some of M.P.T.O.A.'s objections to the initial draft were due to misunderstanding of the phraseology, and, as reported in MOTION PICTURE DAILY on Friday, agreements were reached on clarification of many of these clauses when the new draft is written.

His statement added that many clauses remain to be finally negotiated, presumably after the new draft has been prepared. In addition, the M.P.T.O.A. head indicated that conciliation was the choice of his organization over arbitration, but that considerable work remains to be done before any form of local board for the hearing and adjustment of trade grievances can be made operative.

Committee's Statement

William F. Rodgers, in a statement issued Saturday for the distributors' committee, of which he is a member, referred to the negotiations during the week with the unaffiliated exhibitor organizations and the M.P.T.O.A. and said:

"The results of these discussions were most encouraging to all sides. Details, however, must necessarily be withheld at this time as there are several matters unsettled, but we are hopeful that these can be overcome, and once these few differences are taken care of it can be safely stated that both sides are most optimistic concerning the outcome."

Rodgers will confer with Allied's negotiating committee in Washington today, in advance of the organization's annual board meeting. Gradwell L. Sears and Abe Montague, of the distributors' committee, were scheduled to accompany Rodgers. From Washington, Rodgers will go to Florida for a vacation of two or three weeks.

Para., DuMont Start Test of Television

First of a series of television experiments for Paramount and DuMont Laboratories, its television affiliate, was begun yesterday with a brief program of motion picture broadcasts.

Program originated at the DuMont plant in Passaic, N. J., and was caught at receiving points up to a distance of 25 miles. Principal objective of the initial experimental broadcasts will be to obtain an appraisal of the new type of sepia film which Paramount favors for television use over the ordinary black and white print.

Seidelman to Coast

Joseph H. Seidelman, Universal vice-president and foreign manager, leaves tonight for the coast for new season product conferences. Nate J. Blumberg, president, and W. A. Scully, vice-president and general sales manager, leave for the studio Friday. All three expect to be back by the end of the month.

Sunday Shows Win In 14 British Polls

LONDON, Jan. 15.—In fourteen polls held in various British districts during the past year 63,326 persons voted for the Sunday opening of cinemas as against 41,461 who opposed it. (A ratio of 60 to 40 per cent.) *To-day's Cinema* records the only defeats of Sunday openings in these 14 districts being at Braintree and Hemel Hempstead, smaller country towns not far from London.

Freeman Plans No Studio Changes at Para., Lauds Setup

Paramount studio is in excellent shape, both as to efficiency of operations and morale of the personnel, Y. Frank Freeman, vice-president and studio head, said on his arrival in New York from Hollywood for a brief visit.

Freeman said that no executive changes of any consequence were likely to occur at the studio. His own assignment there is a permanent one, he said. He plans to return to the coast either today or tomorrow, on the conclusion of conferences here with E. J. Sparks, who came to New York from Florida to conclude conferences with Freeman on theatre matters which were begun prior to Freeman's departure for the coast about Dec. 1.

The Paramount studio head declined to discuss production affairs, explaining that he is "still in kindergarten" in Hollywood. He reported, however, that new season production plans would not be discussed until Neil F. Agnew, vice-president and distribution head, makes his annual visit to the studio later on. There will be no reduction in the company's customary schedule next season, however. Agnew recently advised the company's district sales managers that the list would consist of at least 58 features.

Freeman said that while Paramount's theatre operators probably would hold a general meeting this year, no date or place has been set yet.

Republic's Releases Are Up to Schedule

Republic's production and releases are up to schedule, James R. Grainger, president, reported Friday on his return from a month's trip to the studio and the field.

Of 31 features scheduled, 14 have been delivered, and 11 westerns have been delivered of the 24 scheduled. Release of serials, which is in accordance with the calendar year, starts Feb. 1 with "Lone Ranger Rides Again." Three other serials are to be released during the year.

Grainger will meet with franchise holders in the field or in New York to plan next season's program. A national convention is planned.

"Ballerina" Release Set

"Ballerina," French picture, will be nationally released here the first week in February, according to Joseph Burstyn. Film is currently in its fourth week at the Little Theatre in Baltimore. Mayer and Burstyn distribute.

Second Firm Quits in Suit Against B&K

CHICAGO, Jan. 15.—Indications that the anti-trust suit of independents here against Balaban & Katz and major distributors may be crumbling became more apparent with the withdrawal Friday of a second circuit as plaintiff. Joseph Stern followed the lead of Goodman & Harrison, which had withdrawn earlier in the week.

Taking of depositions started Friday with Robert Golding, Thomas Thomas and Miles Seeley representing B. & K. and the majors. Ben Bartelstein, Jacob Lasker, Elmer Benesch, William Vosefopulos and George Christos, independents, were called on for depositions.

Clash of counsel marked the efforts of Golding to get statements of profit and loss. Rosenberg & Stein, attorneys for the plaintiffs, charged the defense lawyers with trying to "annoy and embarrass" the plaintiffs with questions along this line. They were allowed to petition Judge Wilkerson seeking limitation of questions.

Further charges by plaintiffs' counsel that threats had been made against certain independents were denied by Golding. He said "that no one has or will receive any money for withdrawing from this suit."

Certain technical depositions were taken Saturday and more are expected after the court rules on the petition concerning financial statements.

WPA Theatre Drops 1,000 in City Today

WPA Federal Theatre Project drops 1,000 employees from the rolls today as dismissals become effective. Several thousand members of unions which are interested in maintenance of the project staged a protest march Friday. They paraded from Washington Square to 95 Madison Ave., administrative headquarters of the project.

Prominent among the marchers were Paul Dulzell, executive secretary of Actors' Equity; Philip Loeb, of the Equity council; Ralph Whitehead, American Federation of Actors; Florence Marston, Screen Actors Guild; Emily Holt, American Federation of Radio Artists; William Feinberg, Local 802, American Federation of Musicians, and Edward Everett Hale, secretary of the Federation of Arts' Unions, which arranged the parade.

A committee, consisting of Hale, Feinberg, Edward Harrison, American Federation of Actors, and Moe Ushevitz, Newspaper Guild, discussed the dismissals with Paul Edwards, WPA administrator for the arts project.

Knox Goes to Coast

H. G. Knox, engineering vice-president of Erpi, left Saturday to confer with west coast officials. Conferences will be in conjunction with the establishment of various work programs for the coming year. He will return about the middle of February.

'Fight' and 'Drew' $8,900, Seattle Lead

SEATTLE, Jan. 15.—Dual of "Stand Up and Fight" and "Nancy Drew, Detective," at the Paramount, did the best business in a rainy week here, taking $8,900.

Second week of "Sweethearts," at the Fifth Avenue, was good at $8,600, and "There's That Woman Again," dualled with "Smashing the Spy Ring," took $6,300 at the Liberty.

Estimated takings for the week ending Jan. 13:

"Out West with the Hardys" (M-G-M)
"A Man to Remember" (RKO)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 4th week. Gross: $3,600. (Average, $4,000)
"Sweethearts" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days, 2nd week. Gross: $8,600. (Average, $7,000)
"There's That Woman Again" (Col.)
"Smashing the Spy Ring" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $6,300. (Average, $5,000)
"Kentucky" (20th-Fox)
"Spring Madness" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $4,200. (Average, $4,000)
"The Dawn Patrol" (W. B.)
"Thanks for the Memory" (Para.)
ORPHEUM—(2,450) (30c-40c) 7 days, 2nd week. Gross: $6,250. (Average, $6,000)
"Candid Camera Girl" (Univ.)
"Titans of the Deep" (G. N.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Patti Collette. Gross: $5,100. (Average, $5,000)
"Stand Up and Fight" (M-G-M)
"Nancy Drew, Detective" (W. B.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,900. (Average, $6,000)

'Sweethearts' Nets Good $10,700, Omaha

OMAHA, Jan. 15.—"Sweethearts," dualled with "Secrets of a Nurse" was the heavy winner here, with $10,700, as grosses generally were aided by good weather. "Dark Rapture" and "Next Time I Marry," at the Brandeis, was good for $5,200.

Estimated takings for the week ending Jan. 11-12:

"Dark Rapture" (Univ.)
"Next Time I Marry" (RKO)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $5,200. (Average, $4,000)
"Sweethearts" (M-G-M)
"Secrets of a Nurse" (Univ.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $10,700. (Average, $5,500)
"Dramatic School" (M-G-M)
"Nancy Drew, Detective" (W. B.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $7,800. (Average, $7,200)

Para. Retitles Two

HOLLYWOOD, Jan. 15.—"Heritage of the Desert" has been set as the release title for the Harry Sherman-Paramount Zane Grey story featuring Donald Woods. "Night Spot Hostess" has been set as the release title of "Me and My Gal."

New Robinson Pact

HOLLYWOOD, Jan. 15.—Warners have given Edward G. Robinson a new long term contract. He is set for the top roles in "Confessions of a Nazi Spy" and "Brother Orchid." Also given a new contract was Donald Crisp.

20th-Fox Buys Original

HOLLYWOOD, Jan. 15.—Twentieth Century-Fox has purchased "Johnnie Apollo," original story by Sam Engel and Hal Long.

Hollywood Previews

"King of the Underworld"

(Warners)

HOLLYWOOD, Jan. 15.—Humphrey Bogart, Kay Francis and James Stephenson head a large and uniformly experienced cast in a gangster picture produced by Bryan Foy with the sureness of touch and point characteristic of Warners' underworld films. Their names and the title seem to add up to just about what the exhibitor playing this type of product ordered for his marquee.

Miss Francis plays a woman doctor whose doctor husband has been killed in a police raid on Gangster Bogart's hideout while stitching a gangster's gunshot wound. To clear herself of suspected affiliation with Bogart's gang, Miss Francis maker her services available to the bandit who, as hoped, comes to her for treatment. Bogart, meanwhile, has commissioned Stephenson, an author learned in the history of Napoleon, to write his biography, at pistol point and aware of Bogart's intention to kill him when he has finished the book. In a tightly constructed and highly suspenseful ending, the woman doctor blinds Bogart and his thugs temporarily so police can capture them. Bogart dies in the final machine-gunning and the vindicated doctor marries the author.

Bogart is in good form as the gangster with the Napoleonic complex and Miss Francis handles the feminine chore handsomely. Stephenson more than fulfills early promise of acting virtuosity.

Lewis Seiler directed the screenplay by George Brickner and Vincent Sherman, which was a nice job of adaptation from a story by W. R. Burnett.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

"The Mysterious Miss X"

(Republic)

HOLLYWOOD, Jan. 15.—Michael Whalen and Chick Chandler, teamed in various pictures at 20th Century-Fox, moved over to Republic to appear in "The Mysterious Miss X," mystery melodrama tinged with comedy and based on a formula story. Stranded actors, they are mistakenly identified as Scotland Yard officers by the police of a small town and become involved in a murder mystery.

The high spots of the picture are the comic antics of Mabel Todd and Chandler, the latter impressing greatly with his "double takes." Others in the cast are Mary Hart, Frank M. Thomas, Regis Toomey, Don Douglas, Wade Boteler, Dorothy Tree, Eddie Acuff, Pierre Watkin, and Harlan Briggs.

Gus Meins directed from a screen play by Olive Cooper, based on an original story idea by George W. Yates. Herman Schlom was the associate producer.

Carrying on with their mistaken identities to prevent becoming suspects in the crime, Whalen and Chandler enter the investigation at the request of the daughter of the chief suspect. The murderer solution comes after another killing, the exposure of Whalen and Chandler, appearances of mysterious figures in black veils, an automobile chase and a knock-down-drag-out fight.

Running time, 60 minutes. "G."* VANCE KING

"Boy Slaves"

(RKO)

HOLLYWOOD, Jan. 15.—The evils of child labor under the peonage system, specifically as practised in turpentine camps of the kind pictured, are brought out dramatically and presented with impressive connotation in this drab story produced by Albert Bein. Produced and directed by P. J. Wolfson, from a screenplay by Bein and Ben Orkow, the film is starkly melodramatic and emotionally holding.

Although the picture lacks powerful marque names—Anne Shirley's being the best known—it is of a kind to be talked about by persons who have seen it to persons who have not. The theme is unusual, readily exploited, and it would seem not unlikely that showmen who preview it for the local press will find editors and reporters disposed to write about it.

The film recounts the experiences of a band of underprivileged boys picked up by a small town sheriff while tramping the country and encouraged by the local judge to accept employment in a turpentine camp which turns out to be virtually a prison. Resistance to mistreatment ends in tragic disaster, survivors of which are sent to a state farm. James McCallion and Roger Daniel give convincing performances as leader and supposed stool-pigeon of the youthful gang. Charles Lane, Arthur Hohl and Norman Willis have the three principal adult roles.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Young in Heart,' 'Going Places' at $13,000, Detroit

DETROIT, Jan. 15.—Joan Davis on the stage plus "Blondie" on the screen gave the Fox $25,000. The Michigan did very well with a double bill of "The Young in Heart" and "Going Places," taking $13,000. Second week of "Sweethearts" did nicely at the United Artists with $11,000. "Kentucky," on a double bill with "Mysterious Mr. Moto" gave the Adams $4,300.

Estimated takings for the week ending Jan. 12:

"Kentucky" (20th-Fox)
"Mysterious Mr. Moto" (20th-Fox)
ADAMS—(1,700) (20c-40c) 7 days. Gross: $4,300. (Average, $5,000)
"Blondie" (Col.)
FOX—(5,000) (20c-65c) 7 days. Stage: Joan Davis with Si Wills, Loretta Lee, Harmonica Rascals, Monroe and Grant. Gross: $25,000. (Average, $20,000)
"Going Places" (W. B.)
"The Young in Heart" (U. A.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $13,000. (Average, $10,000)
"King of the Underworld" (W. B.)
"Torchy Gets Her Man" (W. B.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"Sweethearts" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days, 2nd week. Gross: $11,000. (Average, $10,000)

'Heart' Is $4,000 High in Oklahoma

OKLAHOMA CITY, Jan. 15.—"There Goes My Heart" was the best grosser of the week, on a comparative basis, taking $4,000 at the State, while grosses generally showed little of an exciting nature. The weather was unseasonably mild. "Out West with the Hardys" took $5,400 at the Criterion in its second week.

Estimated takings for the week ending Jan. 6:

"Out West with the Hardys" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days, 2nd week. Gross: $5,400. (Average, $5,200)
"Little Tough Guys in Society" (Univ.)
"Swing, Sister, Swing" (Univ.)
LIBERTY—(1,200) (25c-30c) 7 days. Gross: $2,600. (Average, $2,500)
"Artists and Models Abroad" (Para.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $4,500)
"Sweethearts" (M-G-M)
PLAZA—(700) (25c-35c-40c) 7 days, 2nd week. Gross: $1,800. (Average, $2,000)
"There Goes My Heart" (U. A.)
STATE—(1,100) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Thanks for Everything" (20th-Fox)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $2,600. (Average, $2,500)

New W. B. Sound Device

HOLLYWOOD, Jan. 15.—An electronic compressor, which is claimed to produce better balance in sound recording, has been perfected by Warners' sound department. Through the medium of a control board, the device regulates and compresses voices as they vary in range, bringing them closer together.

Norma Shearer Named

HOLLYWOOD, Jan. 15. — Norma Shearer has been appointed chairman of the talent committee of the Screen Guild Show for the Motion Picture Relief Fund. She will have charge of gathering talent for the weekly CBS radio program sponsored by Gulf Oil Company.

Around the Country

Cincinnati

Stanley Waxman, who joined WLW-WSAI in June, 1936, but soon left for New York to do dramatic shows on eastern networks, returned to the staff of the two local stations. . . . Michael Hinn, formerly with WWNC, Asheville, N. C., has joined the announcing staff of WLW-WSAI. . . . "The Wonder Kitchen," conducted by Marsha Wheeler, home economist, heretofore originating from the stage of the suburban RKO Paramount, is now broadcast from the auditorium of Alms & Doepke, local department store, 11 to 11:30 A. M., Mondays through Saturdays. . . . Ed Williams, United Press executive, New York, visiting William A. Schudt, general manager of WKRC. . . . Simms Guckenhimer, newly-appointed sales manager of Transradio Press, also on Schudt's visitors' list.

✚

Des Moines

Bob Johnston has been added to the art staff of KSO-KRNT. . . . Marie Robinson, hostess at the KSO-KRNT studios, is spending a month's vacation in New York and Florida. . . . Vivian Brown, Waterloo girl suffering from a bone disease, is recovering in a Des Moines hospital from an operation financed by Betty Jean, KRNT entertainer, through her "Sunshine Club" shut-in program. . . . More than 500 boys from seven states have applied for entry in WHO's second annual Golden Gloves amateur boxing tournament, to be held at the Coliseum here Feb. 14, 15, 16 and 22.

✚

New Haven

Perry Lafferty, program director at WBRY, is vacationing at his home in Davenport, Ia. . . . Bob Fleming has been appointed a full-time announcer on WELI to succeed Martin Hayman, who has left for New York. . . . WICC's "Voice of Fashion" has been renewed under sponsorship of Crawford Laundry.

Troy Station Given Call Letters WTRY

TROY, N. Y., Jan. 15.—Call letters WTRY have been assigned the new 1,000-watt regional station here, according to Col. Harry Wilder, who also is interested in WSYR, Syracuse; WNBX, Springfield, Vt. and WJTN, Jamestown.

Programs are expected to get under way upon completion of the transmitter and studio building within the next three months.

Col. Wilder has appointed Al Parker, staff announcer at WSYR, as program director. Parker will come to Troy in the next few weeks to look over talent and select the announcing staff.

Howard, Shelton Signed

Tom Howard and George Shelton will replace Pick and Pat on the latter pair's program over CBS for two broadcasts, Jan. 23 and 30, while Pick and Pat vacation. The deal was set by CBS Artists Bureau.

Radio Personals

EDDY ARNOLD, whose sister and team mate, Kay, passed away recently, is teaming with Alice Breese of WMCA to continue radio work. . . . John Gillin, Jr., manager of WOW, Omaha, is en route here for a two-week business stay. . . . Dick Powell and Joan Blondell will join the cast of "Tune-Up Time," new Andre Kostelanetz program, on the program's second broadcast Jan. 19. . . . Budd Abbott out of danger from bronchial pneumonia and possibly will be back on the air next week. . . . Alice Frost, network actress, has been signed for a role in a Broadway play, "I Must Love Someone," which Jack Kirkland is producing.

✚

Adelaide Moffett will be Johnny Green's vocalist when his band replaces Russ Morgan's on the "Johnnie Presents" series the end of the month. . . . Ben Bernie's band succeeds Kay Kyser's at the Pennsylvania Feb. 2. . . . Babs Savage, six-year-old model, actress and skater, was seen in a figure skating exhibition for the NBC television cameras at the Rockefeller Center skating rink yesterday. Her dad is Jack Savage, formerly art director for Gaumont British.

'Road of Life' Adds 27 Canada Stations

Procter & Gamble, sponsoring "Road of Life," Monday through Friday script program on CBS, will add 27 stations in Canada, effective this week. The stations comprise the whole of the Canadian Broadcasting Corp. network save the Quebec group. Pedlar & Ryan is the agency.

"Scattergood Baines," daily serial sponsored by Wm. Wrigley Co. on CBS, will add seven stations effective Jan. 23, and an additional eight stations on Jan. 30, which will give the program a total of 65 stations. Neisser-Meyerhoff Co. of Chicago is the agency.

Renew 'Grouch Club'

General Mills renews its "Grouch Club" series on CBS effective tomorrow, and at the same time extends the number of stations carrying the series from three to seven, adding KOIN, KIRO, KFPY and KVI, all of the Pacific Coast. Blackett-Sample-Hummert placed the renewal, for one year.

Tone on 'Gotham' Show

Franchot Tone and Sylvia Sidney will enact a scene from their current stage play, "The Gentle People," in the second "Gotham Nights" program over WHN tonight. Hy Gardner, columnist on the *Brooklyn Eagle*, and Everett Marshall will also be heard.

Park to New York

CINCINNATI, Jan. 15.—Eldon Park, former WLW assistant program director, is leaving for New York and Chicago for a course of study of NBC program policies, following his appointment as NBC contact man for WLW and WSAI.

Revise AFRA Pact Announcer Clause

Provisions of the agreement between the networks and American Federation of Radio Artists, effected some months ago, have been changed. Since the beginning of the pact, network contracts have included a clause to cover announcer charges for New York program originations. At the same time this clause covered the contingeny of an agency failing to deliver a program, with one of the conditions of such failure being that the network could build a program not to exceed twice the gross facilities charge.

The clause has now been revised so that the network can build a program but at a cost not to exceed one-half of the gross facilities charge.

Sunday Broadcast to Aid Paralysis Drive

All branches of show business will unite next Sunday for a gala broadcast in behalf of the "March of Dimes" campaign for the National Foundation for Infantile Paralysis. Eddie Cantor will be in charge of the broadcast which will be aired from 11:15 P.M. to midnight, and will come from Hollywood and New York.

CBS, NBC, and Mutual, in addition to many unaffiliated stations, will carry the program.

List of those who will appear on the program includes Jack Benny, George Jessel, Jimmie Fidler, Goodman Ace, Deanna Durbin, Tyrone Power, Lanny Ross, Fred Allen, Walter Winchell, Edwin C. Hill, Burns and Allen, Lawrence Tibbett, John Charles Thomas, Charles Butterworth, Ben Bernie, Nelson Eddy, Fibber McGee, Joe Penner, Bing Crosby, Rudy Vallee, Lily Pons, Andre Kostelanetz, Jeanette MacDonald, Jack Haley, Edward G. Robinson, Major Bowes, Cecil B. DeMille and others.

Two Sponsor "Ballroom"

"Make Believe Ballroom" adds two new participators in the Oakland Chemical Co. and No-Worry Chemical Co., the former for 52 weeks, the latter for 13 weeks. The series is on WNEW.

Reach Alkine Agency

Alkine Co. has appointed Charles Dallas Reach of Newark as its advertising agency, with the latter planning a campaign that includes radio.

Vallee Returns Feb. 2

Rudy Vallee's program, heard from Hollywood for the last three months, will return to Radio City beginning with the broadcast of Feb. 2.

Open with Prayer

Cincinnati, Jan. 15.—WKRC, local Columbia owned and operated station, is opening at 6:30 each morning with a 25-word prayer by a member of the Federated Council of Churches of Christ in America. In an effort to reach communicants of all churches, the station asks the pastor of a different denomination to offer the prayer each day.

Proposal for Levy On Broadcasting Is Studied at Capital

WASHINGTON, Jan. 15.—Plans to make the broadcasting stations of the country contribute $5,000,000 or more toward the $432,000,000 in new taxes which President Roosevelt asked of Congress in his budget message are under consideration in Administration circles, it is learned.

No start toward the writing of a new tax bill will be made until after the 1938 income returns are filed March 15 and the Treasury has had an opportunity to analyze them and figure how closely the revenue will approach the budget estimate, but in the meantime a vigorous search is being made for possible new subjects of taxation.

Proposals for the taxation of broadcasters have been before both the Treasury and Congress in the past, but have not been followed up with particular enthusiasm. Now, however, the need for new revenue is more acute and there is a general disinclination to increase existing tax rates, so that attention must be turned to the development of new sources of money.

Suggestions now under consideration contemplate the imposition of taxes on a wattage basis, but with safeguards against excessive impositions such as would apply to maximum-power stations under previous proposals. It is pointed out that studies of the Federal Communications Commission indicate a majority of stations are making good profits from the sale of facilities which are enjoyed by Government favor and, it is asserted, the radio industry is the only one receiving such benefits absolutely free.

Arguments of the broadcasters that they already pay income taxes are met with the statement that others who use Government facilities also pay income taxes as well as the charges or taxes for the use of the facilities.

Consideration is also being given it was learned, to the possibility of lessening the drain on the Treasury in the operation of the Federal Communications Commission by adoption of a scale of fees for the various applications which the radio industry files. Here, too, it is pointed out, there is a precedent, the Securities and Exchange Commission charging a filing fee based upon the value of the issue.

'Zany' Back to CBS

"Zany Family" program will return to CBS Jan. 18 from 4:15 to 4:45 P. M. and Wednesdays thereafter at the same time. The program is by Charles Austen and will feature Austen, Ruth Carhart, Doris Rhodes, Barry Wood and Mark Warnow's orchestra.

Cox on WKY Publicity

OKLAHOMA CITY, Jan. 15.—James Cox, who recently joined the WKY continuity staff, coming here from KFAD, Lincoln, has been placed in charge of publicity and public relations for WKY.

Downey on Pall Mall

Morton Downey has been signed as a regular member of the cast of the Pall Mall program which features Eddie Duchin's orchestra Mondays on the NBC-Red.

...and now for the FACTS!



No other form of advertising can stand comparison with the dramatic, forceful, visual PREVUE Trailer on your screen because—

The Prevue has the lowest cost per ticket sold of any advertising medium in the field.

The Prevue gives you one hundred percent coverage at every performance.

The Prevue does not rely on superlatives or the "super-super" type of copy but it sells the picture with punch-lines describing the picture itself . . . concentrated, quick-action selling-power.

Thus . . . the Prevue is the best attention-arrestor in the business.

And the Prevue is the result of nearly twenty years experience selling your pictures to your public.

These are FACTS . . . for coverage . . . for low costs . . . for results . . . nothing succeeds like the Prevue by

NATIONAL SCREEN SERVICE

. . . used by more than 12,000 Showmen throughout the Country!

NATIONAL Screen SERVICE

ATLANTA.....167-73 Walton St., N.W.	DENVER .....2144 Champa St.	MINNEAPOLIS .....1105 Currie Ave.
BOSTON.....36-38 Melrose St.	DES MOINES.....1003½ High St.	NEW ORLEANS 1431 Cleveland Ave.
CHARLOTTE .....219-21 Mint St.	DETROIT.....2949 Cass Ave.	NEW YORK .....630 Ninth Ave.
CHICAGO.....1307 So. Wabash Ave.	KANSAS CITY.....1706 Wyandotte St.	PHILADELPHIA .....1201-07 Vine St.
CINCINNATI....119 West Central Pkway.	LOS ANGELES.....2018 So. Vermont Ave.	SAN FRANCISCO 168 Goldengate Ave.
CLEVELAND.....2336 Payne Ave.	MEMPHIS.....500 So. 2nd St.	ST. LOUIS.....3318 Olive St.
DALLAS.....2012-16 Jackson St.		SEATTLE.....2418 Second Ave.

WASHINGTON, D. C.
920 New Jersey Ave., N.W.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 11 NEW YORK, TUESDAY, JANUARY 17, 1939 TEN CENTS

Film Measures Up in Several Legislatures

Missouri May Extend Its 2% Sales Levy

Film business is the subject of proposed legislation in several state legislatures and in Canada. Extension of the present two per cent sales tax in Missouri; a chain store tax bill which may affect theatres, in Kansas; a possible sales tax in Wisconsin, and building regulations in Ontario, are among the bills proposed. In Arkansas, a bill has been introduced which would legalize Sunday films.

Following are details on film measures most recently introduced:

Would Extend Missouri Tax

KANSAS CITY, Jan. 16.—The Missouri legislature shortly will receive a bill to extend the present two per cent sales tax, which expires Dec. 31, 1939.

In Kansas, the House has received a measure to tax chain stores from $10 to $500, depending on the number of units. Some doubt exists as to whether this "licensing" law will apply to circuit theatres.

Sunday Film Bill Up

LITTLE ROCK, Jan. 16.—Senator Frierson has introduced a bill in the Arkansas legislature to legalize operation of film shows on Sunday. It was referred to the Judiciary Committee.

Talk Wisconsin Sales Tax

MILWAUKEE, Jan. 16.—Local exhibitors are studying enabling legislation just drafted to permit Milwaukee to

(*Continued on page 6*)

Sales Drive Honors Johnston's 25th Year

Celebration of the 25th anniversary of the entrance of W. Ray Johnston, Monogram president, into the industry will take the form of a concerted drive among the 36 Monogram branches next month. Efforts will be made to send the 1939 sales quota over the $6,000,000 mark.

Johnston started in the film business as secretary to Charles J. Hite, then president of Thanhauser Co., New Rochelle, N. Y. Johnston left Republic Pictures in the latter part of 1936 to reorganize Monogram.

Radio—Page 7

Quebec Judge Rules Bank Night Illegal

Quebec, Jan. 16. — Bank Night, conducted at the Cambrai, here, has been declared illegal in a test case judgment. Manager Charles Rioux was fined $10 for "illegally conducting a lottery." Sessions Court Judge Tremblay refused to accept the defense that the winner received a "salary" as publicity agent.

Economic Group Resumes Study of Patent Situation

WASHINGTON, Jan. 16.—Temporary National Economic Committee today began investigation of the patent monopoly, with Commissioner of Patents Conway P. Coe as first witness.

Prepared to testify for several days, Commissioner Coe is to lay before the committee the results of five years of experience as head of the United States Patent Office, covering the way in which patent monopolies operate and outlining situations which should be corrected.

Coe is to be followed by a number of representatives of leading industries, who will explain how patents are secured and handled in their particular lines. They will include Philo T. Farnsworth, vice-president of Farnsworth Television, Inc.; Frank B. Jewett, president of the Bell Tele-

(*Continued on page 6*)

PACT DECISION BY ALLIED DUE TODAY

Plan Change In Wage Law After Study

WASHINGTON, Jan. 16.—Recommendations for amendment of the Wage-Hour Law to deal with employes in the film and other industries who receive $100 or more in weekly salary, yet are not in professional or executive positions, will be made after completion of a study of the subject now going on, it was disclosed today by Administrator Elmer F. Andrews in his first annual report to Congress.

Andrews pointed out that while these employes are not affected by the wage provisions of the act they are covered by hour provisions and must be paid time and one-half for overtime employment, admittedly a heavy burden upon many concerns.

Question of classification of highly paid employes was raised almost immediately the Wage-Hour Law became effective, by film producers, who sent representatives to Washington to ask for information regarding the status of some 600 such jobs in the studios.

The administrator promised to present definite recommendations to Congress after the material now being gathered has been digested.

Final Action Is Expected Before 'Founders' Dinner Tonight

WASHINGTON, Jan. 16.—Allied and distributor representatives today put in flat five hours in discussion of the distributor trade practice program, apparently reaching no definite conclusion since William F. Rodgers, speaking for distributor group, said discussions would probably be continued tomorrow at a meeting of the allied board of directors.

Accompanied by two attorneys, H. I. Levinson and Tyree Dillard, the distributor group, consisting of Rodgers, Abe Montague and Gradwell Sears, went into conference with the Allied negotiating committee, headed by Abram F. Myers, at 1:45 P. M., not to emerge until nearly 7 o'clock. Members of Allied committee were Nathan Yamins, A. L. Steffes, Ray Branch and Sidney Samuelson, with M. A. Rosenberg and Herman Blum as alternates.

Statement Today

Following break-up of the conference, none of those participating would make any comment, it being explained that proceedings were to be kept confidential until Allied board reached a

(*Continued on page 6*)

James Roosevelt to Give US Suit Stand

HOLLYWOOD, Jan. 16.—James Roosevelt will be given a luncheon by J. F. T. O'Connor, former comptroller of currency, Wednesday noon to which heads of all studios will be invited. The fete was arranged apparently to offset rumors and reports that the president's son would become a go-between for the industry and the Administration. Roosevelt is expected to address the meeting, clarifying his position on the matter of the government's anti-monopoly suit. The press will be invited.

Muni Gets Niemoeller Role in New WB Film

HOLLYWOOD, Jan. 16.—With Paul Muni in the role of Dr. Martin Niemoeller, Warners will produce "The Bishop Who Walked with God," based on the Luthern minister's persecution by the Nazi regime in Germany. William Dieterle will direct.

U.S. Film Firms Commended For Pan-American Interest

By AL FINESTONE

Manuel Pena Rodriguez, film editor of *La Nacion*, Buenos Aires, commends American film companies for their interest in Latin America, particularly in sponsoring the production of Spanish language films.

Rodriguez was in New York on an annual visit and is now en route to Hollywood for a three-week stay. He will write special articles for his paper.

The upbeat in Buenos Aires production has caused a boost in film costs, he said. An average film cost $35,000 or $40,000 four years ago, but today is budgeted at about $100,000.

Attendance has risen as a result of the increased playing time given to Spanish language films, and film quality is improving. The Monumental Theatre in Buenos Aires shows Spanish language films exclusively, and so do virtually all the neighborhoods in the city.

Talent has increased its demands. Directors and leading players are asking $20,000 per picture, a hitherto unheard of figure in Latin America.

American films, however, still lead and the Argentine producers like to pattern their product after Hollywood.

Gary Cooper and Deanna Durbin are currently the biggest draws in the Argentine, and Mickey Rooney and the "Andy Hardy" series are also big. "Snow White" was the most popular film in the Argentine during 1938, with "Algiers" probably second. Frank Capra is the most popular director, Rodriguez said.

Cruelty Charge Is Protested by Kent

Sidney R. Kent, 20th Century-Fox president, and Darryl F. Zanuck, production head, both emphatically protested the statement which had been issued by Sydney H. Coleman, president of the American Humane Society, that horses used in filming "Jesse James" had been maltreated.

Kent pointed out that "the only injury which occurred during the shooting of this picture was the accident at the top of the cliff, and the very fact that the scene was repeated without injury to either horse or rider is definite proof that it was purely accidental and not because we were compelling either horse or rider to take an unnecessary risk."

"What is amazing to us," Kent observes, "is the fact that although these shots were made months ago, and apparently your representative from Missouri was on the ground, not one word of criticism or disapproval reached our ears until after the picture had been released in New York. If you had shots which proved we were in reality treating dumb animals in a cruel way, why was this protest not made to our studio, to Mr. Hays or to this company until after the picture had its first showing here? It also seems very odd that the first we heard of this was after you had screened the shots for newspaper people and then released your publicity to the papers without finding out what the actual facts were as far as we were concerned."

Treasure Night Suit Settlement Reached

Suit of Affiliated Enterprises, Inc., against Par-Land Theatres, Inc., Landon Realty Co., Inc., and Harry Schiffman, owners of four Staten Island theatres, to restrain their use of Treasure Night as an infringement on the plaintiff's Bank Night was settled yesterday in U. S. District court.

Hearing Delayed in Chicago Trust Suit

CHICAGO, Jan. 16.—Further hearings in the anti-trust suit brought against B. & K. and distributors by local independent exhibitors will be delayed until Joseph Rosenberg, plaintiffs' counsel, returns from Washington this weekend.

Para. Holds Gary Cooper

HOLLYWOOD, Jan. 16.—Gary Cooper probably will make another picture for Paramount after completing "Beau Geste" for that firm.

MITCHELL MAY, Jr. CO., INC.

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EDWARD G. ROBINSON, WILLIAM GAXTON, MR. and MRS. JESSE WEISMAN, WALTER SLEZAK, ROSE HOBART, FAY GILLIS, FLORENCE ROSS, A-MIKE VOGEL seen at the Stage Relief showing of "Abe Lincoln in Illinois" at the Plymouth, Sunday night.

•

MARGARET LOCKWOOD, star of "The Lady Vanishes," MR. and MRS. LEE TRACY, MR. and MRS. JACK OAKIE, SIDNEY CHAPLIN and IRENE BORDONI are due tonight on the *Ile de France*. Also ANDRE ALGAZY, European film producer.

•

GRADWELL L. SEARS, Warner general sales manager, took part in the trap shooting contest at the Westchester Country Club Sunday. He finished in a tie in the singles handicap.

•

ERNO RAPEE, Music Hall conductor, is doing an original score for WILLIAM K. HOWARD'S Astoria production, "Back Door to Heaven," which Paramount will distribute.

•

KENNETH THOMSON, executive secretary of the Screen Actors' Guild, will come east in about two weeks for a board meeting of the Associated Actors & Artistes of America.

•

MARGARET LECZER, secretary to WILLIAM F. RODGERS, M-G-M general sales manager, leaves Saturday for a two-week vacation in Ft. Lauderdale, Fla.

•

EDDIE MILLER, Warner Hippodrome manager in Cleveland; LOU MILDER, manager of the Variety, and CHARLES ALBERT of the Warner exchange are on a 14-day West Indies cruise.

•

ABE GERSON, Columbia salesman in Cleveland, is in Mt. Sinai Hospital there with a broken knee cap, sustained in an auto accident.

•

MACK GORDON, song writer, was married last weekend to ELIZABETH COOKE, actress, at Yuma, Ariz. HARRY REVEL was best man.

•

W. N. SKIRBALL, Cleveland circuit owner, has returned from a vacation in England.

•

JOHN D. HERTZ has returned to Florida.

OLIVIA DE HAVILLAND, GEORGE BRENT, ERROL FLYNN and BRUCE CABOT will leave the coast late this week for Washington where they will be honor guests at the Roosevelt Birthday Ball Jan. 30.

•

FRANK PHELPS, in charge of labor relations for Warners, has returned from Boston and Cleveland.

•

AL MARGOLIES was a guest at the MORRIS HELPRIN farm in Hopewell, N. J., over the weekend.

•

DARIO FARALLA, producer of Paramount's Spanish language pictures, arrived from the coast yesterday for a week of home office conferences.

•

Y. FRANK FREEMAN, Paramount vice-president and studio head, left New York yesterday on the 20th Century, returning to the studio.

•

LUDVIG (LAUDY) LAWRENCE, M-G-M Continental manager at Paris, arrives tonight on the *Ile de France* for conferences with ARTHUR LOEW, vice-president and foreign chief.

•

LOUIS PHILLIPS of the Paramount legal department returns to New York tomorrow from Chicago.

•

LIONEL TOLL of the I. T. O. A. is chairman of a Joint Distribution Committee dance for German refugee relief to be held March 4 at the Roosevelt.

•

OSCAR DOOB, MARVIN SCHENCK, LOUIS FRISCH, SAM RINZLER, HERMAN STARR, SI FABIAN, in Moore's, for luncheon yesterday.

•

MORGAN KAUFMAN has returned from Harrisburg where he attended GOV. ARTHUR H. JAMES' party.

•

MR. and MRS. PERCY E. ELKELES will remain in Florida another two months.

•

ED ZABEL of National Theatres has returned to his desk after a 10-day vacation.

•

MAX HALPERN arrived from Chicago yesterday.

•

JOHN FORD is in town for a few days.

Union Will Testify In Ticket Code Case

Efforts of the League of N. Y. Theatres to provide enforcement for the ticket broker code received considerable impetus when the Theatrical Managers, Agents and Treasurers' Union agreed to have its members testify before the league. Previously, the union had refused to permit its members to appear on the ground that the league had no jurisdiction.

A compromise was worked out, however, to have any spotter employed by the league confront the box office men with his accusations, if any, and submit to cross examination. A meeting of the league has been called for this week but no date has been set.

Little Theatre Fights Tax

NEW ORLEANS, Jan. 16.—Further test of the protest of the Little Theatre against payment of the two per cent amusement tax will be made in an appeal from the conviction of Claude J. Derbes, secretary of the group. It is claimed the Little Theatre is educational and provides entertainment for members only.

Adopt Three-Day Dual

MANSFIELD, O., Jan. 16.—Warner's Madison has inaugurated a double feature policy for the last half of each week. Single features will be played for the first three days as heretofore. This is the first major change made by Gratton Johnson, manager, recently transferred here.

'There's a Will' To Open Tonight

"Where There's a Will," an adaptation by Edward Stirling of Sacha Guitry's "Le Nouveau Testament," opens tonight at the Golden. It has been produced in France, England, Germany, Italy and Switzerland. The story deals with the return of a supposedly dead man while relatives quarrel about the estate. Edward Stirling produced and directed. The cast includes Stirling, Jesse R. Landis, A. P. Kaye, Margaret Irving and Clifford Brooke.

Plan Test of Films For Court Records

WASHINGTON, Jan. 16.—Talking picture equipment would be installed in the District of Columbia Federal Court as an experiment to determine the value of films in recording trials, under a resolution prepared for introduction in Congress by Representative Hobbs (Ala.).

Congressman Hobbs introduced bills last session for the use of talking pictures as court records, and declared he would seek to have the plan tried out in local court to see whether films could be used in all Federal courts.

Schines by Merger Dominate Maysville

CINCINNATI, Jan. 16.—Schines, who 18 months ago leased the 700-seat Russell, at Maysville, Ky., a town of 6,500 population in the Cincinnati trade territory, will dominate that situation through a merger just completed, whereby they take over the 500-seat Washington and the Hollywood with 300 seats.

The two houses have been operated by Jack Frisch and Sam Kaplan. Frisch will be city manager. Ed May, formerly manager of the Russell, goes to Middlesboro, Ky., in charge of the three units recently acquired there by the Schine interests.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

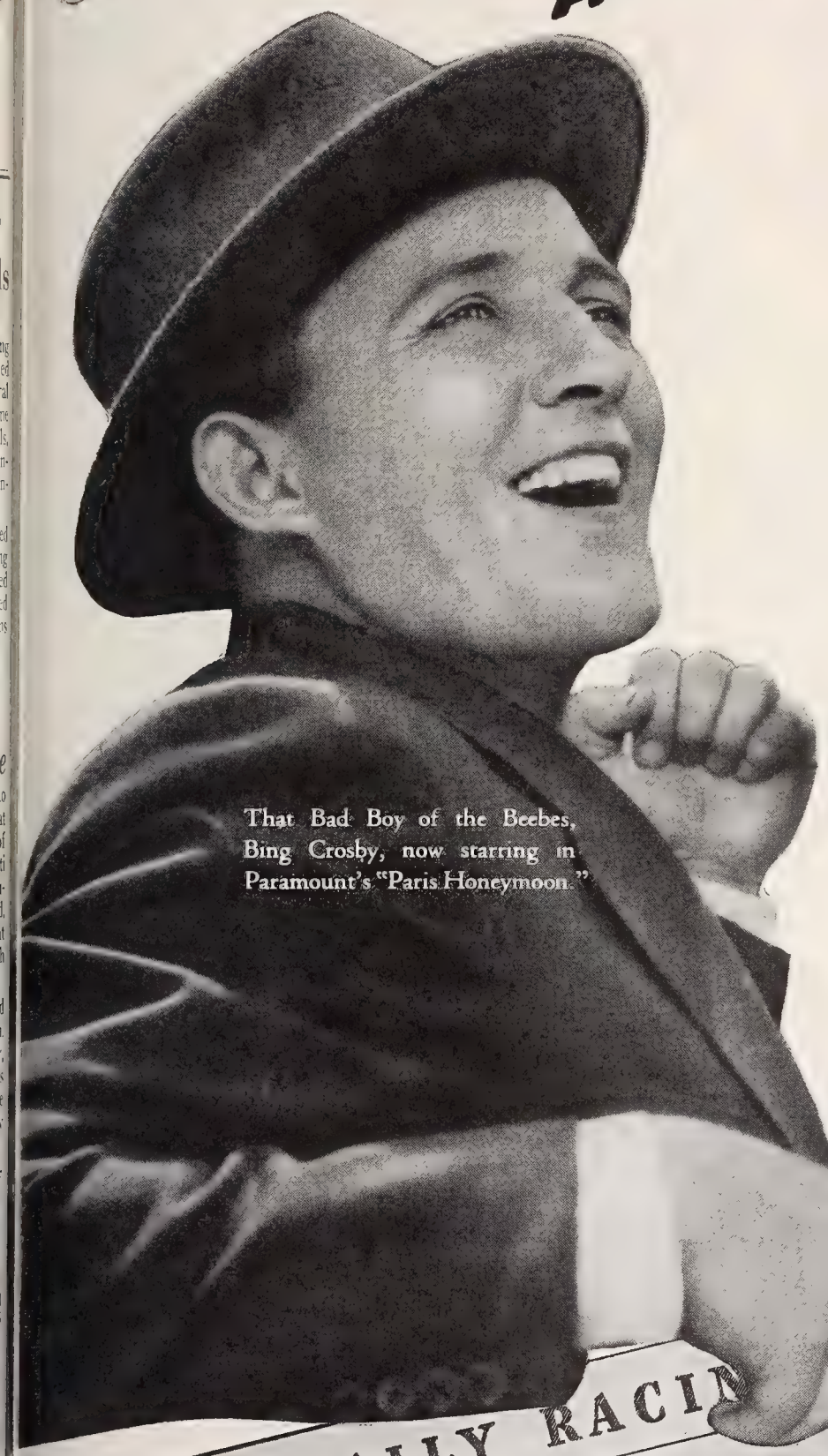
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

YOU CAN'T BEAT A BEEBE . . . AT PICKING WINNERS . . .





That Bad Boy of the Beebes, Bing Crosby, now starring in Paramount's "Paris Honeymoon."

You know what Bing's first picture of the season, "Sing You Sinners", did at the box-office. Well, in the first thirteen cities where it has played, his new picture "Paris Honeymoon" is running "Sinners" a neck and neck race. Daily Variety's tip-off that this one would "reap a harvest" is already starting to come true. *Bing's in that Beebe groove again!*

DAILY RACI TIPS

PLAY THE WINNER...

Paramount's "PARIS HONEYMOON"

Bing Crosby • Franciska Gaal • Akim Tamiroff • Shirley Ross

Edward Everett Horton • Ben Blue • A Paramount Picture • Directed by Frank Tuttle

Screen Play by Frank Butler and Don Hartman • Based on a Story by Angela Sherwood

Paramount Pictures

Theatres Hit by Heavy Snowstorm

Heavy snowfall which was general over most of the Eastern seaboard on Friday and Saturday, and which reached depths of eight to ten inches in the metropolitan area, seriously affected theatre attendance over the weekend.

Business was adversely affected by the storm from Washington to Boston. Striking the metropolitan area early Friday afternoon, heavy snowfall had traffic at a standstill in many sections of the city and at all bridge approaches by early evening. Sidewalk conditions discouraged pedestrians as much as street conditions did vehicular traffic with the result that Broadway houses, as well as neighborhoods and suburbans, felt the effects acutely.

But—

From Motion Picture Daily of January 16th

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

★ BEATS
BAND'S

"JESSE JAMES" —THE TH

ESSE JAMES"

DOES BIGGEST SINGLE DAY'S BUSINESS IN HISTORY OF ROXY, N. Y. ★

ALEXANDER'S RAGTIME BIGGEST DAY BY $38!

HILL OF THE INDUSTRY!

Film Measures Up In Several States

(*Continued from page* 1)

grant tax exemption on the first $4,000 valuation of homesteads and to impose a two per cent sales tax to offset the revenue loss.

The bill has been submitted to the Common Council Judiciary Committee, and if approved, will be introduced in the state legislature. Indications are that local aldermen are opposed to such a measure for Milwaukee alone, but that its purpose is to serve as a feeler for a statewide sales tax. It is quite probable that if such a tax measure is enacted, it will apply to theatre grosses.

Seek Parking Space

TORONTO, Jan. 16.—A bill will be introduced in the Ontario legislature to provide for a building regulation requiring the inclusion of adequate off-street parking accommodation for the automobiles of theatre patrons in the plans for any new theatre, before a municipality issues a permit for the construction of the building. Sufficient automobile parking facilities, based on the seating capacity of the proposed theatre, will be a condition of the building permit.

Study Films' Length

MILWAUKEE, Jan. 16.—A committee of five citizens to study the length of films has been named by Alderman Harry J. Devine, in line with a resolution adopted several weeks ago. Named to the committee are Dr. William Murphy, Mrs. George Shores, Frank J. Skoczek, Howard Camm and Mrs. C. F. Roecker.

Pact Decision by Allied Due Today

(*Continued from page* 1)

final decision, maybe tomorrow, when a formal statement "might " be issued.

Myers refused to discuss the situation and other members of the committee also were non-committal. The distributor group had "nothing to say," apparently leaving it to the organization to make such a statement as it saw fit.

Signers of Allied States' original articles of confederation in 1929 will be honored tomorrow night at a "Founders' Dinner," observing the 10th anniversary of the founding of the organization.

Several of the original group will find it impossible to be present but acceptances have been received from W. A. Steffes, Herman A. Blum, Charles R. Casanave and H. M. Richey. Also to attend are Abram F. Myers, general counsel of the organization since its inception, the present officers and members of the board of directors and their wives.

The dinner is to be purely a "family affair" with no important personages from outside the organization and with no formal addresses. Approximately 60 persons are expected.

Para. Buys Program

HOLLYWOOD, Jan. 16.—Paramount today bought the film rights to "I Want a Divorce," NBC Pacific coast radio program from Emil Brisacher & Co., San Francisco radio agency. George Arthur will produce.

Hollywood Previews

"Wings of the Navy"

(Warners)

HOLLYWOOD, Jan. 16.—Add up the many entertainment and commercial factors included in "Wings of the Navy" and the result is a showman's exploitation picture and an all-audience picture. Specialists put the show together. Hal Wallis, whose acute sense of exhibitor and patron requirements has often been demonstrated, produced. Lloyd Bacon, a master in the treatment of intriguing love stories narrated against spectacular thrill action, directed. Without exception, the principals have regularly proved their abilities in ways that have won them popular favor. The whole is an attraction that exhibitors should take pride in presenting and which should delight those who see it.

The mechanical production phases are exceptional. Taking the audience into the Pensacola training base and the San Diego air base, the Navy's flying fighting forces are paraded many times in spectacular fashion and under circumstances that call for patriotic emotionalism. The picture's big sock sequences, two sensationally staged exhibitions of power diving, are the brand of excitement provocation that left the preview audience limp.

As background detail is unique, so is the quality of the romantic love story. George Brent is unable to prevent his younger officer brother, John Payne, transferring to aviation. His hopes for a great career in the flying arm of the Navy dashed when injured, Brent's romantic dreams of happiness with Olivia de Havilland crumble when she prefers Payne. When Payne proves his ability to carry on the fine naval family traditions and demonstrates the practicability of Brent's fast new pursuit plane, his senior orders Miss Havilland to join Payne in Hawaii where he is bound in a mass flight of bombing planes.

Accentuating the tried and proved production features of the film is Michael Fessier's original story. Any prediction other than one which visions the public pushing itself around to get in to see "Wings of the Navy" would be out of line.

Running time, 20 minutes. "G."* G. McC.

**"G" denotes general classification.*

"Son of Frankenstein"

(Universal)

HOLLYWOOD, Jan. 16.—Chills and thrills are the entertainment substance of "The Son of Frankenstein." The commercial and exploitation merits of these qualities are known. There is horror and terror in the picture, too. But neither carries the same impact of surprise that was inherent in the first presentation dealing with the exploits of the artificially made monster of inhuman humanity conjured in Mary Wollstonecraft Shelley's imagination. The hysteria that accompanied the showing of the original "Frankenstein" and the publicity that accrued to it as well as to the recent revivals have more or less diluted the element of eerie and awesome surprise.

Withal, "Son of Frankenstein" is a shocker. Iis is made so by the creepy quality of Willis Cooper's screenplay; by Rowland V. Lee's dextrous direction; by the weird effects resulting from backgrounds and production effects created by Jack Otterson and the dramatic style in which they and the players were photographed by George Robinson.

But the basic reasons for "Son of Frankenstein" being a screen attraction of more than usual importance are the expert characterizations created by Basil Rathbone, Boris Karloff, Bela Lugosi, Lionel Atwill, Josephine Hutchinson, Donnie Dunagan and the members of the supporting cast.

Rathbone and his family are unwanted, feared and hated when they return to the ancestral home. The populace remembers too well the terror caused by the monster created by his father. The horror is not long in having its inning. Rathbone finds that the monster, instead of being destroyed, is living in suspended animation, cared for by the legally dead but living Lugosi. To prove that his father was a scientist, not a madman, Rathbone revives the monster (Karloff). Under Lugosi's avenging guidance the brute kills two members of the jury that had condemned him to death. Rathbone tries to protect both from the people and from Atwill's police until they threaten his child, Donnie Dunagan. Killing Lugosi, he destroys the monster forever by kicking him into a boiling sulphur pool.

Running time, 95 minutes. "G."* G. McC

**"G" denotes general classification.*

Coast Studios Are Shooting 38 Films

HOLLYWOOD, Jan. 16.—Thirty-eight pictures are before the cameras this week, as 11 finished and 10 started. Twenty-five are being prepared, and 72 are being edited.

Started were: "Panama Cipher," Fine Arts; "Rhythm Rides the Range," Arcadia; "Tarzan in Exile," M-G-M; "Invitation to Happiness," Paramount; "A Night in Ghost Town," RKO; "Spirit of Culver," "Key Woman" and "East Side of Heaven," Universal; "The Roaring Road" and "Hell's Kitchen," Warners.

In addition to these, shooting were: "Mrs. Leonard Misbehaves," "Romance of the Redwoods," "Plane No. 4," "Blondie Steps Out," Columbia; "Wuthering Heights," Goldwyn; "Sergeant Madden," "The Wizard of Oz," "I Take This Woman," "Dusty Road," "Fast and Loose," M-G-M; "Union Pacific," "Midnight," "The Lady's from Kentucky," "Grand Jury Secrets," "Man About Town," "Federal Offense," Paramount; "The Romantic Castles," "Picardy Max," RKO; "The Lone Ranger Rides Again," "Higgins Family No. 2," "Man of Conquest," Republic; "Captain Fury," Roach; "The Hound of the Baskervilles," "Alexander Graham Bell," 20th Century-Fox; "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," Universal; "Hero for a Day," "Juarez," Warners.

Finished were: "Let Us Live," Columbia; "Broadway Serenade," M-G-M; "Sky Pirate," "Star Reporter," Monogram; "I'm from Missouri," Paramount; "White Fury," Republic; "Stage Coach," Wanger; "Dodge City," "Broadway Cavalier," "Sweepstakes Winner" and "On Trial," Warners.

M-G-M is shooting four short subjects. Columbia finished two. Four are being prepared, and nine are in the cutting rooms.

Economic Unit Again Scans Patent Status

(*Continued from page* 1)

phone Laboratories, and William D. Collidge, director of the research laboratory of General Electric Co.

The patent study is seen in Washington as one of the most important phases of the Administration monopoly investigation, with possibilities that radical amendments may eventually be made in the patent laws. Two methods of handling patents were outlined to the committee during its December hearings, when representatives of the automobile industry described how their patents are pooled and made available freely to all manufacturers and officials of the glass container industry testified that patents are closely held and used to control and stabilize production and markets.

History Repeats

Marvin Schenck on Friday the 13th celebrated his 27th year with Loew's, and also his birthday. When he started with Loew's, the memorable day also was Friday the 13th.

Cabinet Members On Fair Program

A new World's Fair series which will feature cabinet members and other Government officials will be broadcast exclusively over NBC facilities beginning Feb. 5 and Sundays thereafter from 7 to 7:15 P. M. on the blue until April 23, the week preceding the opening of the Fair.

The program will deal with various phases of the Government's participation in national life as represented by the 12 government themes at the Fair.

Program will be inaugurated by Henry A. Wallace. Other speakers will be Cordell Hull, Secretary of State; Sumner Welles, Under Secretary; Frank Murphy, Attorney General; Stewart McDonald, Federal Housing Administrator; Harold Ickes, Secretary of Interior; Jesse Jones, chairman Reconstruction Finance Corp.; James Farley, Postmaster General; Frances Perkins, Secretary of Labor; Charles Edison, Assistant Secretary of Navy; Frederick A. Delano, chairman of National Capitol Park and Planning Commission, and others.

Harris, British Film Publisher, in Today

Samuel Harris, owner of Cinema Press, Ltd., which publishes *Today's Cinema,* British film trade paper, arrives on the *Ile de France* today to make a general study of theatre and studio conditions in America. Harris is accompanied by his son, Horace, a realtor, who serves as consultant on theatre and studio real estate in England.

The two will concern themselves primarily with a study of the theatre overbuilding problem here, which is one of the most serious confronting British exhibitors.

Levine, Ill, Granted Release by M-G-M

HOLLYWOOD, Jan. 16.—Nat Levine has requested and received his release from his associate producer contract at M-G-M because of illness. He produced "Four Girls in White." Albert LeRoy, his assistant, will take over as prdoucer in the Joe Cohen unit.

Technicians Seeking Laboratories Pact

Laboratory Technicians' Union, Local 702, has undertaken negotiations for a contract with Consolidated and DeLuxe Laboratories. Conferences are to start some time this week.

Canada Considers Documentary Films

Toronto, Jan. 16. — The Canadian Government has under consideration a special appropriation of $125,000 for making a series of documentary films depicting the utilization of natural resources and the operation of various major industries in the Dominion, the reels intended for showing in friendly countries.

Usher to Cadet

Cleveland, Jan. 16.—Harold Brainard, who worked as footman and usher at Loew's State while attending school here, has received an appointment to West Point. Congressman Flegler made the appointment.

Eighteen New Films Approved by Legion

National Legion of Decency approved all of the 18 films reviewed and classified this week. Of the total, 13 were found unobjectionable for general patronage and five for adult patronage. The films and their classifications follow:

Class A-1: Unobjectionable for General Patronage: "Arizona Legion," "Burn 'Em Up O'Connor," "Federal Man Hunt," "Fighting Thoroughbreds," "The Great Man Votes," "The Long Shot," "Mr. Moto's Last Warning," "Phantom Stage," "Pirates of the Sky," "Renfrew of the Great White Trail," "Smiling Along," "Song of the Buckaroo" and "Trigger Pals."

Class A-2: Unobjectionable for Adults: "Ambush," "Devil's Island," "Jesse James," "King of the Underworld" and "They Made Me a Criminal."

Stars Unite to Aid Paralysis Campaign

Many leading screen, stage and radio stars have volunteered their services for the "Fight Infantile Paralysis Campaign" which continues to Jan. 30, President Roosevelt's 57th birthday.

Eddie Cantor is chairman of the Council of Stars for the campaign, most of whom will be heard on national networks Sunday night, Jan. 22, in a program ushering in the final week of the campaign.

Charles Smakwitz, district manager for Warners at Albany, heads the upstate trade division of the drive. All Warner and Fabian houses in the territory will show a one-reel subject produced locally by the Albany County committee for the drive during the week of Jan. 22:

Ruling Set Feb. 17 in B & K Contempt Case

CHICAGO, Jan. 16.—Federal Judge Woodward will hand down a decision Feb. 17 on the application of defendants for a bill of particulars in the Government's contempt action against B. & K. and major distributors, parties to the action were advised by the court today.

Birdwell Borrows Yorke

HOLLYWOOD, Jan. 16.—Gabe Yorke has been borrowed from the Producers' Association by Russell Birdwell, Selznick International publicity head, to spend two weeks checking the historical accuracy of "Gone With the Wind" publicity.

Plans RKO Claim

The Lehman Corp., through its attorneys, Simpson, Thacher & Bartlett, has filed notice in the Federal District Court that will apply today for leave to file a proof of claim against RKO.

Radio Personals

TOM REVERE, director of radio for Benton & Bowles, will leave New York for Hollywood shortly to supervise west coast activities of the agency for several months . . . Meredith Page, formerly director of the Radio Workshop at Ohio State University, has joined the New York staff of N. W. Ayer & Son . . . Wheeling Steel has added six more stations to its Mutual network, making a total of 23 stations for the series . . . Studios and lobby of the CBS building here will be remodeled by spring . . . Dave Alber will lecture tonight on publicity at the weekly journalism class of the New York Institute for the Education of the Blind.

Theatre Contest in Drive Ends Jan. 31

Contest on exhibitor campaigns for Motion Pictures' Greatest Year will end Jan. 31. Campaign entries are now being received at M.P.G.Y. headquarters.

Entries will be judged according to population of the community in which the competing theatre is located, with three classifications established, 100,000 population and over; 15,000 to 100,000, and less than 15,000. Prizes in each classification are: first, $500; second, $100; third, $50; fourth and fifth prizes, $25.

Judges in the contest are Will H. Hays, Martin Quigley, Jack Alicoate, Red Kann, Chick Lewis, Jay Emanuel, A-Mike Vogel and Roy Chartier.

Set Coast Fair Program

SAN FRANCISCO, Jan. 16.—First broadcast definitely set for regular airing from the Golden Gate International Exposition is NBC's "Good Morning Tonight," weekly half-hour musical show sponsored by Albers Bros. Milling Co. The program will start before audiences late in February, and will be released over KPO and Pacific Coast Red network outlets.

Jackie Cooper Signed

HOLLYWOOD, Jan. 16.—Paramount has signed Jackie Cooper for "What a Life," to be filmed from the Broadway play of the same name by Clifford Goldsmith.

2 Units Back AFRA On Strike Question

International Board of the Associated Actors and Artistes of America at a meeting yesterday voted support to its affiliate, the American Federation of Radio Artists in the event the radio union issues a strike call in the field of commercial broadcasting. AFRA's New York membership will vote on the strike issue at the Hotel Astor on Thursday. AFRA's central division will ballot on the issue the following day in Chicago, while the Hollywood membership vote Saturday.

Similarly yesterday, the American Federation of Actors by resolution voted its "unqualified support" to AFRA in the event of a strike call and will subject its members who disregard the strike edict to a fine or suspension from membership, or both.

Equity and the Screen Actors Guild may discuss the question at meetings of those organizations scheduled for today.

WBCM Joins NBC, Making 167 Stations

WBCM, Bay City, Michigan, joins NBC immediately, the 167th station in the NBC setup. Station will become available to advertisers as a unit of the Michigan Radio Network, without additional charge. It operates full time on 1410 kilocycles, 1,000 watts day, 500 watts night. It will be sold with the Michigan Radio Network at the group rate of $240 per evening hour.

Canada to Hear Benny

Jack Benny's program for General Foods Corp. will add station facilities in Canada, effective with the next broadcast. Stations to be added are CBL, CBM, and stations of the Canadian Broadcasting Corp., serving the Maritime, Ontario and Prairie regions. Young & Rubicam set the deal.

Renew 'Lady Esther'

"Lady Esther Serenade," featuring the Guy Lombardo band, and sponsored by Lady Esther, Ltd., has been renewed for another 52 weeks of broadcasting on the NBC-Red, effective Feb. 12. Program is broadcast Fridays from 10 to 10:30 P. M. on the Red. Lord and Thomas is the agency.





Don't Lose Sleep

Over the Question . . . .

CAN I AFFORD HIGH INTENSITY PROJECTION?

The answer is: YOU CANNOT AFFORD TO DO WITHOUT IT. That is what the managers of almost 6000 theaters have learned — more than one-third of the theaters in the country.

Simplified High Intensity projection costs so little more than low intensity that one more patron per show covers the added cost.

It puts your theater in line for successful competition with the largest houses.

It will receive the hearty approval of your patrons.

It shows every picture, whether black and white or color, to better advantage than low intensity projection.

It gives two to three times as much light on the screen as low intensity projection.

Ask your dealer's salesman to show you the book, "Yes — But What Will It Cost?"

SIMPLIFIED *High Intensity* PROJECTION

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 12 NEW YORK, WEDNESDAY, JANUARY 18, 1939 TEN CENTS

RKO to Make 40-48 Films For 1939-40

Reorganization Plan Is Approved by Bondy

HOLLYWOOD, Jan. 17.—RKO will have between 40 and 48 features for 1939-40, with the program likely to be nearer 40, George J. Schaefer, company head, indicated here today.

Leslie Howard will make three films for RKO in England, starting with "The Man Who Found Himself." Contracts for next year's films are set with Carole Lombard, Claudette Colbert, Douglas Fairbanks, Jr., and Cary Grant.

Schaefer and Ned E. Depinet, who arrived yesterday, will remain two or three weeks for product conferences.

Bondy Approves Plan

Order approving the RKO reorganization plan with the minor modifications recommended recently was signed by Federal Judge William Bondy yesterday.

Included in the order is approval of the modification of the Rockefeller Center claim settlement under which RKO relinquishes all association with future operation of the Music Hall and Center and the Rockefeller claim

(*Continued on page 3*)

Quiz Winners to Be Announced Feb. 20

Winners in the industry's $250,000 Movie Quiz contest will be announced simultaneously in theatres throughout the country on the night of Feb. 20, after 8:30 P. M.

This is the plan of Motion Pictures' Greatest Year campaign headquarters. Names of the 5,404 winners will be held in secrecy until 8 P. M. that night. At that hour the identity of the national and local prize-winners will be given to the theatres through confidential channels. The committee is keeping secret the manner of distributing this information, in order to prevent leaks. No theatre will thus have an advantage.

Only theatres which have paid their pledges in full will be given this information. If any of the theatres which have not fulfilled their pledges pay up in full prior to Feb. 20, they will be eligible to announce the winners that night.

Feb. 20 was chosen as the announcement date as this is a Monday night, when business usually is off.

RKO Making First Television Short

Hollywood, Jan. 17.—The first motion picture short expressly for television transmission is being made at RKO to exploit "Gunga Din" and will be televised on the NBC - RCA transmitter in New York next March. The film, which will have Cary Grant, Douglas Fairbanks, Jr., Victor McLaglen, Joan Fontaine and others of the picture's cast in scenes from the picture, will run about 10 minutes. Specifications received from RCA engineers will govern shooting of the short. All shots will be close-ups and taken in daylight. The print will be made with a special optical printer with sound dubbed on regular film track.

Goldwyn Playing Lone Hand in U.A. Partner Meetings

HOLLYWOOD, Jan. 17.—Samuel Goldwyn is playing virtually a lone hand during the United Artists stockholder discussions currently under way here.

It is understood that stiff pro and con arguments are being presented in the matters of proposed slashing of distribution costs to producing U. A. members and a bonus system for producers.

The owner members were in recess today from their annual meetings to

(*Continued on page 2*)

ALLIED PUTS OFF DECISION ON PACT

Dramatists' Guild Is Writing Draft of Basic Agreements

Negotiations between the film industry and the Dramatists' Guild for modification of the basic agreements between Broadway legitimate stage producers and the authors have reached the point where the first draft contracts are being written. Sidney R. Fleischer, theatrical attorney and counsel to the Guild, has been assigned the task of preparing the first draft.

Conferences have continued for several months but heretofore all concerned have declined comment on the progress being made. Chief point of dispute at this time is the insistence by the Guild that film companies which provide financial backing for stage productions also undertake to purchase the screen rights. Industry representatives ask that they be given the option to purchase with the right to refuse the play if it is found unsuitable.

Under the terms of the present pact, the backer has no voice in the disposition of the screen rights, although he may share in the proceeds. This has resulted in the withdrawal of picture companies from the Broadway legitimate market. Under the terms of the compromise now being discussed, disposition of the screen rights would

(*Continued on page 3*)

Arbitration Clauses Are Chief Stumbling Block to Agreement

WASHINGTON, Jan. 17.—Filmdom's trade practice problem is wide open again. Allied directors have decided to recommend neither acceptance nor rejection of the proposals submitted by the distributors.

Upon the ground that several matters in the proposals require clarification and rewording, the Allied directors, after another five-hour session, recommend further negotiations.

It hopes to make a further report to Allied members, not later than March 1, under these conditions.

Distributors' representatives are despairing of obtaining favorable action from Allied, and Grad Sears with Abe Montague left for New York. William F. Rodgers left for Florida.

Principal target of opposition were the arbitration clauses, which the negotiating committee today reported were highly unsatisfactory.

Following the conclusion of the business sessions, directors and guests attended a "Founders' Dinner" in honor of exhibitors who met in 1929 to organize the association.

The board tomorrow will elect officers for the coming year and consider various questions of organization and finance preparatory to winding up meetings.

The board's decision came at the close of the first day of the annual

(*Continued on page 3*)

Actors' Unions to Support A. F. R. A. in Strike Move

Actors' unions have come solidly to the support of the American Federation of Radio Artists in the current issue between the radio actors' union and the American Association of Advertising Agencies, with the Screen Actors Guild in Hollywood, and Actors Equity and Chorus Equity in New York yesterday adopting resolutions declaring that members may not take place of A.F.R.A. members in the event a strike is called.

Additional developments in radio on page 12

A.F.R.A. members, numbering approximately 6,000, will ballot nationally on the strike issue this week. In New York the polling place will be the Hotel Astor, with the voting to be conducted tomorrow night. The Central Division of A.F.R.A., Chicago, will vote on Friday, while the west coast members will vote on Saturday.

Support of A.F.R.A. by the S.A.G. lends strength to the radio union, for practically all of the numerous screen artists performing on the air are S.A.G. members. The S.A.G. action most directly affects the new Gulf Oil program, for which the S.A.G., and the affiliated writing, directing and

(*Continued on page 12*)

M-G-M Liquidates Holdings in Italy

M-G-M has liquidated in Italy, because of the E.N.I.C. decree effective Dec. 31, and other American companies affected have done likewise, it was said by Ludovic (Laudy) Lawrence, M-G-M Continental European manager in Paris, on his arrival yesterday on the *Ile de France*.

M-G-M, 20th Century-Fox, Warners and Paramount have each had from 10 to 12 branch offices in Italy. All have been closed.

Lawrence will discuss the situation with Arthur M. Loew, M-G-M vice-president in charge of foreign activities.

Purely Personal

ROBERT GILLHAM, Paramount advertising and publicity director, went to Boston yesterday for a brief business trip and will go to Washington from there. He is due back at the home office at the end of the week.

•

TED REED, who came to New York to see the George Abbott production, "What a Life," his next assignment for Paramount, will start back to Hollywood tomorrow night with a short stopover in Detroit.

•

WILLIAM BISHOP, M-G-M exploiteer in Chicago, is at a Detroit convalescent home after four weeks in St. Lukes Hospital, Chicago. He will not return to his desk for several weeks.

•

STANLEY CHAMBERS, managing director of the Fox Tower, Uptown and Esquire, Fox Midwest first runs in Kansas City, has left for a six-week vacation in California.

•

HERB ELISBURG, press representative for Essaness Theatres in Chicago, and manager of the World, is recuperating at home from an attack of the flu.

•

A. H. Blank, president of Tri-State Theatre Corp., Des Moines, has left with MRS. BLANK for two weeks on the coast before sailing on a vacation cruise.

•

NATALIE VISART, designer of the costumes in CECIL B. DEMILLE'S "Union Pacific," will sail for Europe with LILY DACHE on the *Ile de France* Saturday for the Paris fashion openings.

•

GEORGE DEMBOW, general sales manager for National Screen Service, returns from Washington tomorrow.

•

GEORGE SCHWARTZ, publicity manager for Consolidated Amusement Enterprises, returns Monday after a short vacation.

•

ALBERT LEWIN will sail for England on the *Washington* tonight for two months of research on "Knights of the Round Table," his next for Paramount.

Insiders' Outlook

By SAM SHAIN

WALL STREET is optimistic about the success of the Warner Bros. refunding plan. It is understood that through bank loans to be made here and abroad, $6,000,000 will be provided the company against certain of the firm's properties, to assure completion of the refunding. Under the plan, holders of the company's six per cent convertible debentures (due 1939) may exchange these for new debentures (due 1948). Already, approximately $20,000,000 principal amount of these debentures have been exchanged, with another $3,000,000 in principal amount anticipated by March 15, expiration date of the third extension of the plan. The total amount of debentures involved is $29,400,000.

▼ ▼

Alfred Harding, publicity man for Actors' Equity Association, is doing something about those dramatic critics. Harding has revealed the completion of his second play, "Broadway Columnist," which is said to deal not kindly with that fraternity.

▼ ▼

Once upon a time it was "The Man on a Horse." Today it is "The Man With a Hole in His Pants." You have it on the word of George J. Schaefer, president of RKO Radio Pictures. He develops his thesis so well that it would be gilding the lily to try to improve on it, so here goes:

"What makes a great picture? . . . In this case it's the man with a hole in his pants and an empty heart. . . . The title . . .'The Great Man Votes.' . . . Locale New York. . . . Time election day . . . when the man with a hole in his pants knows that he stands that day a king among men. . . . John Barrymore rises to new heights. . . . Young Peter Holden and lovable Virginia Weidler add laurels to youthful brows. . . . To all who had a hand in its making we give a salute."

The above is from an RKO advertisement (Lord & Thomas and S. Barret McCormick) published in yesterday's *N. Y. Sun.*

"The Great Man Votes," which opens at the Music Hall tomorrow, is the first of a group of pictures with which RKO Radio studios "greet the dawn of a new day in its history." Next will be "Gunga Din," starring Cary Grant, Victor McLaglen and Douglas Fairbanks, Jr. "Love Affair," co-starring Irene Dunne and Charles Boyer, will follow. Then there will come Astaire and Rogers in "Mr. and Mrs. Vernon Castle."

▼ ▼

Iowa, too, has a showman-legislator. He is John R. Shales, who operates the Tripoli Theatre in Tripoli, Ia. Shales is from Bremer County. Also he is a member of the Greater Bremer County Committee, and president of the Tripoli Merchants Club.

▼ ▼

Arnold Van Leer now operates his own public relations firm, Arnold Van Leer Associates, with offices at 521 Fifth Ave. He resigned from Cowan & Van Leer, Inc. Van Leer handles Morris Gest's "Little Miracle Town" and other accounts.

▼ ▼

The Joint Distribution Committee for German Refugees will receive more than $1,250 from theatre men of N. Y. State who participated in the testimonial dinner given recently for J. Myer and Louis Schine. After all expenses for the dinner had been met, the committee had $500 excess. The two theatre men from Gloversville gave $500 additionally, and Walter Reade, Sr., donated $250.

JOSEPH MOSKOWITZ of 20th Century-Fox is on the coast and expected back in about three weeks.

•

MARTIN LEVINE, LOU and HARRY BRANDT leave tomorrow for a two-week Miami vacation.

•

EDWARD COHEN, 20th Century-Fox manager in Ecuador, leaves Saturday for South America.

•

HORTENSE SCHORR, Columbia publicity manager, is confined to her home with a cold.

•

MAX TABACKMAN of the Rivoli, West Haven, is the father of a seven-pound boy.

•

TOBY GRUEN, vice-president of National Screen Service, is on an 18-day cruise.

•

FRANK NUGENT, *Times'* film critic, is in Hollywood.

Ile de France Is in With Many Notables

Margaret Lockwood, star of G. B.'s "The Lady Vanishes," arrived on the *Ile de France* yesterday to play in "Susannah," 20th Century-Fox film, which will star Shirley Temple. This will be her first Hollywood picture, and her first in color. After this assignment, she will return to England to make "Rob Roy" for Gainsborough-20th Century-Fox.

Among other arrivals were Eugene Forde, 20th Century-Fox director, who made the first of the "Inspector Harker" series in England; E. Andre Algazy, Paris producer, who brought a print of his "Katia," Danielle Darrieux film; Jack and Mrs. Oakie and Lee and Mrs. Tracy, from European vacations; Sydney Chaplin, brother of Charlie, en route to Hollywood; Ruth Chatterton, who made two films in England for Herbert Wilcox and may do a Broadway play; Miles Mander, actor, and Irene Bordoni.

Mrs. John Mock, wife of the Paramount representative, and daughter, also arrived.

Goldwyn Plays Lone Hand in UA Talks

(*Continued from page* 1)

consider reported ultimatums and proposals made for and against the proposed policy changes. They meet again tomorrow at the Ambassador Hotel, where Murray Silverstone and Alexander Korda are staying. Previous meetings had been held at the U. A. lot.

The stockholder sessions may wind up tomorrow, with Korda and Silverstone staying over for product conferences until next week.

Lynn Farnol, U. A. advertising and publicity head, planed out today for New York, after viewing Edward Small's "King of the Turf" and Hal Roach's "It's Spring Again."

Korda, Asher to Sail

Alexander Korda, head of London Films, and Irving Asher, associate producer, have reservations to sail from New York Jan. 28 on the *Champlain.*

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

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'Sweethearts' Pulls $17,000 In Twin Cities

MINNEAPOLIS, Jan. 17.—Excellent weather helped Twin City business to pick up briskly.

Both "Dawn Patrol" and "Sweethearts" were good for $10,500 each, the former at the Orpheum, the latter at the State, while "Out West With the Hardys" at the Century in its third week brought in $4,200, which was duplicated by "Blondie" at the Gopher.

In St. Paul, "Sweethearts" romped away with the highest gross by doing a $6,500 business at the Paramount, while "Dawn Patrol" getting under way at the Orpheum after three days of "Thanks for the Memory," brought the total for this theatre to $4,000.

Estimated takings for the week ending Jan. 12:

Minneapolis:

"The Storm" (Univ.)
"Down on the Farm" (20th-Fox)
ASTER—(900) (15c-25c), 7 days. Gross: $1,600. (Average, $1,500)
"Out West With the Hardys" (M-G-M)
CENTURY—(1,600) (25c-40c), 7 days, 3rd week. Gross: $4,200. (Average, $4,000)
"Blondie" (Col.)
GOPHER—(990) (25c), 7 days. Gross: $4,200. (Average, $3,000)
"Dawn Patrol" (W. B.)
ORPHEUM—(2,900) (25c-40c), 8 days. Gross: $10,500. (Average, $4,800)
"Sweethearts" (M-G-M)
STATE—(2,300) (25c-40c), 7 days. Gross: $10,500. (Average, $4,400)
"To the Victor" (G. B.)
"Man to Remember" (RKO)
WORLD—(400) (25c-55c), "Victor" 6 days; "Man," 1 day. Gross: $1,200. (Average, $1,600)

St. Paul:

"Thanks for the Memory" (Para.)
"Dawn Patrol" (W. B.)
ORPHEUM—(2,000) (25c-40c), "Thanks, four days; "Patrol," three days. Gross: $4,000. (Average, $3,200)
"Sweethearts" (M-G-M)
PARAMOUNT—(2,500) (25c-40c), 7 days. Gross: $6,500. (Average, $4,500)
"Say It in French" (Para.)
RIVIERA—(1,000) (25c), 7 days. Gross: $1,900. (Average, $2,400)
"Annabel Takes a Tour" (RKO)
"Nancy Drew, Detective" (W. B.)
"Strange Case of Dr. Meade" (Col.)
"Smashing the Rackets" (RKO)
TOWER—(1,000) (25c), dual bills, split week. Gross: $2,200. (Average, $1,600)
"Moonlight Sonata" (Malmar)
WORLD—(400) (25c-55c), 7 days, 3rd week. Gross: $800. (Average, $700)

'Patrol,' at $11,300, Is Buffalo Winner

BUFFALO, Jan. 17.—"Dawn Patrol" zoomed into the first run top spot here, taking $11,300 at the Great Lakes. The Lafayette dual, "Smashing the Spy Ring" and "The Little Adventuress," took $7,500.

Estimated takings for the week ending Jan. 14:

"Sweethearts" (M-G-M)
BUFFALO—(3,000) (30c-55c) 4 days, 2nd week. Gross: $7,900. (Average, 7 days, $12,000)
"Dawn Patrol" (W. B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $11,300. (Average, $7,500)
"Kentucky" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 6 days, 2nd week. Gross: $6,800. (Average, 7 days, $6,800)
"Going Places" (W. B.)
"Devil's Island" (W. B.)
CENTURY—(3,000) (25c) 4 days, 2nd week. Gross: $3,800. (Average, 7 days, $6,000)
"Smashing the Spy Ring" (Col.)
"The Little Adventuress" (Col.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $7,500. (Average, $6,300)

Royal Train Will Have Newsreel Lab

Toronto, Jan. 17.—Arrangements for the tour of Canada by Their Majesties King George and Queen Elizabeth this spring provide for the use of a coach in the royal railway train which will serve as a traveling film laboratory for news cameramen who will be under the direction of F. C. Badgley, director of the Canadian Government Motion Picture Bureau.

Newsreel crews will work only under special authority and under definite restrictions which will be drawn up in advance. Promiscuous shooting will not be tolerated. Conditions for the issuance of permits to cameramen will be announced in the near future.

RKO Will Make 40-48 in 1939-40

(*Continued from page* 1)

is reduced from $5,000,000 to $4,150,000. Accordingly, the claim will be settled for 415,000 shares of new RKO common stock instead of 500,000 shares.

Creditors and stockholders who have consented to the plan will be deemed to have accepted the amended and approved plan if their consents have not been withdrawn by Feb. 4. As soon as practicable after that date, a final order of confirmation will be issued by the court providing that a sufficient number of consents still are on file. Consents which are now on file are acceptable in their present form.

Under the order approving the plan no dividend is to be paid by the reorganized company on its new first preferred stock until after Feb. 1, 1940. Other modifications are of a minor order.

Indications are that creditors will have agreed on the personnel of the reorganized company's board of directors in time to submit the list to Judge Bondy for approval at the next hearing, Jan. 26. Among those believed certain to be on the initial board are George J. Schaefer, president; Ned E. Depinet and William Mallard, vice-presidents; Peter J. Rathvon, Atlas Corp. associate; W. G. Van Schmus, magaging director of the Music Hall; L. P. Yandell, assistant treasurer of RCA; Lawrence Green, attorney; William Hamilton, investment broker.

If David Sarnoff and James G. Harbord of RCA, and Floyd Odlum of Atlas Corp. do not serve on the board, personally, appropriate representation will be designated for them. This is true, as well, of Nelson Rockefeller, who will not serve on the board himself.

Details of the underwriting provisions for the reorganized company also are expected to be presented to the court Jan. 26.

Miggins, Harley in West

Ben Miggins, 20th Century-Fox Continental European manager, and F. L. Harley, British managing director, are due on the coast today for conferences with Darryl F. Zanuck.

Allied Puts Off Decision on Pact

(*Continued from page* 1)

meeting, all of which had been devoted to discussion of the trade practice proposals.

Following a conference Monday between the negotiating committee and distributor representatives, the matter was brought to the attention of the directorate almost immediately upon opening of the annual meeting. Rodgers was called in for further discussion of various points, but despite his efforts to secure acceptance of proposals, the board held firm for further revision.

Later the following report of the negotiating committee was made public:

"The negotiating committee reports that it has received a written draft of proposals dated Dec. 1 with revisions dated Jan. 14, which are not materially different from the oral proposals outlined to the board of directors in Chicago Nov. 3. The only points of difference are minor clarifications of language, together with the wholly tentative outline of an arbitration setup, not complete as to either principles or details.

Claim Draft Incomplete

"The distributors requested that counsel for Allied sit in with their counsel and endeavor to draft a suitable declaration of principles and work out the arbitration rules and other details. Distributors also invited counsel for Allied to suggest clarification of certain other provisions of the proposals.

"The substance of the proposals remains as reported at Chicago and our committee has been informed that so far as the suggestions are concerned the distributors are agreed that they have gone as far as they will go.

"The draft in its present form does not, in the opinion of your committee, meet the requirements of the resolution at Chicago that it obtain from distributors their complete plan, including details of arbitration. The draft being incomplete in the particulars above mentioned, the committee does not feel that it can recommend that it be either accepted or rejected."

Dramatists Writing New Contract Draft

(*Continued from page* 1)

take place before actual production with payment to be made on a graduated scale depending on the length of the play's run. Another problem then arose whether the disposition of screen rights should be by option or outright purchase.

The draft is expected to be ready within the next two weeks and will be forwarded for inspection to J. Robert Rubin, vice-president and general counsel of Loew's. Although the option question will continue to be discussed, it is no longer a major stumbling block.

All discussions up to this point have been informal. Any recommendations from the conferences will have considerable weight. When an agreement is reached, the modifications will have to be submitted for approval to the council of the Guild and later to the membership. Consent from the League of New York Theatres also will be necessary.

Philip Hill, Odeon Banker Here; G.B. Merger in Spring

Projected merger of Odeon Theatres and the Gaumont British circuit in England may be effected in the spring. It would combine G.B.'s 350 theatres with Odeon's 250.

The London banking firm of Philip Hill, in association with others, plans $20,000,000 public financing on behalf of Odeon (Deutsch) in three or four months. This will depend on the condition of the financial market abroad. No financing will be sought here.

Hill arrived last night on the *Ile de France*. He will leave tomorrow for his usual vacation in Palm Beach and was reluctant to discuss the pending deal.

Before the merger can be effected, controlling voting shares must be acquired in the Metropolis & Bradford Trust, holding company of G. B., held by Isidore Ostrer, G. B. head, and his brothers. They cannot sell without consent from 20th Century-Fox and Loew's who own a substantial part of G. B.

Hill, while in Florida, may have an opportunity to discuss the matter with S. R. Kent, 20th Century-Fox president, and Nicholas M. Schenck, president of M-G-M.

Schenck is at Miami Beach. Kent left yesterday for Florida. Also, Joseph M. Schenck, chairman of 20th Century-Fox, is expected to be in Florida soon. J. Robert Rubin, M-G-M general counsel, left yesterday to join Nicholas M. Schenck.

Sam Harris, publisher of *Today's Cinema* and *Weekly Cinema* in London, was a passenger on the *Ile de France* and added some information to that already known about the deal.

He disclosed that Odeon's expansion has added 82 new theatres in the last two years.

Harris is here with his son, Horatio, "to discuss three or four important business matters," he said. They will leave for the coast late this week.

'Submarine' Captures $7,500 in Montreal

MONTREAL, Jan. 17. — "Submarine Patrol" and "His Exciting Night" took $7,500 at the Princess. "The Duke of West Point" and "Mr. Doodle Kicks Off" grossed $5,500 at the Orpheum, and "Dramatic School," paired with "Flirting with Fate" at the Capitol, took a fair $9,500.

Estimated takings for the week ending Jan. 14:

"Dramatic School" (M-G-M)
"Flirting with Fate" (M-G-M)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $9,500. (Average, $9,500)
"The Storm" (Univ.)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Mike Riley Orchestra and acts. Gross: $7,000. (Average, $8,000)
"The Duke of West Point" (U. A.)
"Mr. Doodle Kicks Off" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $5,000)
"Sweethearts" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8,500, 2nd week. (Average, $11,000)
"Submarine Patrol" (20th-Fox)
"His Exciting Night" (Univ.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $7,500. (Average, $7,000)


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'Going Places' Frisco Leader With $14,000

SAN FRANCISCO, Jan. 17.—"Going Places," on a dual at the Paramount with "King of the Underworld," grossed $14,000 to lead here, in a week of slow business.

"Sweethearts," in its second week at the Warfield, took a fair $13,000, and "You Can't Take It With You," in the eighth week at the Orpheum, garnered $7,000.

Estimated takings for the week ending Jan. 10-13:

"Gangster's Boy" (Mon.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $14,000. (Average, $16,000)
"The Young in Heart" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 3rd week. Gross: $6,500. (Average, $7,000)
"You Can't Take It With You" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 8th week. Gross: $7,000. (Average, $8,500)
"Kentucky" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. **Gross:** $14,000. (Average, $17,000)
"Dawn Patrol" (W. B.)
"Up the River" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $6,400. (Average, $7,000)
"Going Places" (W. B.)
"King of the Underworld" (W. B.)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $14,000. (Average, $13,000)
"Sweethearts" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $13,000. (Average $13,000)
"Life Dances On" (AFE Corp.)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $900. (Average $1,300)
"Prof. Mamlock" (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $1,000. (Average, $1,300)

'Stand Up' Garners $10,500, New Haven

NEW HAVEN, Jan. 17.—"Stand Up and Fight" and "The Girl Downstairs" led the town's business, grossing $10,500. "Trade Winds" and "Newsboys' Home" at the Roger Sherman took $7,000. Second week of "Sweethearts" at the College piled up $3,000.

Estimated takings for the week ending Jan. 13:

"Sweethearts" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"Stand Up and Fight" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW-POLI — (3,040) (35c-50c) 7 days. Gross: $10,500. (Average, $8,000)
"The Storm" (Univ.)
"Swing, Sister, Swing" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 5 days. Gross: $3,500. (Average, $4,400)
"Trade Winds" (U. A.)
"Newsboys' Home" (Univ.)
ROGER SHERMAN—(35c-50c) 7 days. Gross: $7,000. (Average, $4,700)

Student Screenings Set

Screenings of films of significance in the development of motion pictures will be given by the Film Library of the Museum of Modern Art for students of the Department of Fine Arts of Columbia University every Wednesday evening at the Film Library's projection room. Films selected for the first five screenings beginning today are "Sherlock, Jr.," "The Strong Man," "Greed," "Intolerance" and "Four Horsemen of the Apocalypse."

Hollywood Previews

"Ambush"

(*Paramount*)

HOLLYWOOD, Jan. 17.—This is the kind of picture a showman invites his personal friends to see. It tells an exciting story plainly and without gestures. The story is about a bank robbery, the flight of the robbers and their pursuit by police. There isn't a phoney sequence in the total yardage and there are no fabulous master-minds, super-sleuths, brilliant reporters, wise-cracking dames, scientific detection devices, trick dogs, trap doors or psychological phenomena. There are, on the contrary and in large measure therefore, 65 minutes of tense, realistic and reasonable melodrama, a rare quantity.

Gladys Swarthout plays the principal feminine role, a simple assignment, without singing. Lloyd Nolan's is what would be the hero's job if it were allowed to go heroic, which it isn't. Ernest Truex plays the bandit leader as sinisterly and soundly as if he had never been a comedian. William Frawley, Broderick Crawford, Raymond Hatton, Polly Moran, Antonio Moreno and Rufe Davis are the other names with box office connotation.

Laura and S. J. Perlman wrote the screenplay from Robert Ray's story and it isn't one to be told in synopsis. William H. Wright produced the film, planning it soundly, and Kurt Neuman directed it with a sure and knowing hand. It takes off like the super-Chief out of L. A. and gathers momentum as steadily as the same on a downgrade with the throttle wide open. When it reaches its destination it stops, and the passengers know they've been to a show.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

"Song of the Buckaroo"

(*Monogram*)

HOLLYWOOD, Jan. 17.—Tex Ritter's first 1939 release, "Song of the Buckaroo," sets a high entertainment standard for its successors. Based on a sound story, the picture's musical content sets it apart from the formula musical western. Not only is Ritter presented singing several cowboy numbers, but the picture also introduces five-year-old Mary Ruth, a remarkably accomplished pianist.

Given good staging by producer Edward Finney, with well photographed outdoor settings, and intelligently directed by Al Herman, the picture holds a strong appeal for western fans, and should hold interest for patrons appreciative of human interest yarns.

Ritter's outlaw career ends when renegade members of his band, after wounding him, hold up a stage, and the bandit is believed by the sheriff's posse to be a pioneer settler. Becoming foster father to Mary Ruth, child of the robbery victims, Ritter creates a new life for himself as a leading citizen and finds love. Elected mayor after a hill-billy musical campaign, Tex's old enemy, Charles King, tries to make him help rob his bank. Well grounded incidents presage the expected thrill sequence in which Horace Murphy, sacrificing his life, aids Ritter in wiping out the bandits.

Running time, 60 minutes. "G."* G. McC.

*"G" denotes general classification.

Ellis, Associates' Officers Reelected

Jack Ellis of RKO, president, and all officers of the Motion Picture Associates have been reelected. Moe Sanders replaces Jerry Wilson as first vice-president. The latter retired. Officers are: Matthew Cahan, second vice-president; Sol Trauner, treasurer; Moe Fraum, secretary; Charles Penser, financial secretary; Louis I. Kutinsky, sergeant-at-arms. Of the five nominees, Joe Lee of 20th Century-Fox and Nat Beier of United Artists were elected trustees. Board of directors will be appointed by the vice-president at the next meeting scheduled for Jan. 26 at the Astor.

'Dusty Road' New Title

HOLLYWOOD, Jan. 17.—M-G-M has settled on "Dusty Road" as the final title for the former "Let Freedom Ring" in which Nelson Eddy will be starred.

R. H. McLaughlin Dies

CLEVELAND, Jan. 17.—Robert H. McLaughlin, 61, former manager of the Opera House and Colonial here, and later a scenario writer in Hollywood, died here last night at Mt. Sinai Hospital of uremia. His wife survives.

Florey Is Assigned

HOLLYWOOD, Jan. 17.—Robert Florey has been assigned to direct Paramount's "The Magnificent Fraud," formerly "The World's Applause." The cast is headed by George Raft, Akim Tamiroff and Ellen Drew.

Selznick to Do "Swanee"

HOLLYWOOD, Jan. 17. — David O. Selznick will produce "Swanee River," based on the life of Stephen Collins Foster, famous American composer of Southern melodies. The picture will be released through United Artists.

'Patrol' Hits Good $17,200 Chicago Tally

CHICAGO, Jan. 17.—"Torchy Gets Her Man" plus Eleanore Whitney and eight acts of vaudeville shot the State-Lake gross to $18,300. The Oriental with "Submarine Patrol" hit $17,200 with Donald Novis on the stage.

Fibber McGee and company, with "Pacific Liner," gave the Palace a good $21,000 and "Kentucky" at the Chicago did $33,000. The weather was unsettled most of the week. With all Loop hotels sold out to conventioneers, night business was very good.

Estimated takings for the week ending Jan. 11-14:

"Going Places" (W. B.)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,700. (Average, $6,500)
"Kentucky" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Nan Wynn & Revue. Gross: $33,000. (Average, $32,000)
"Paris Honeymoon" (Para.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $6,200. (Average, $6,500)
"Submarine Patrol" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Donald Novis & Revue. Gross: $17,200. (Average, $13,000)
"Pacific Liner" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Fibber McGee and Company. Gross: $21,000. (Average, $19,000)
"Thanks for Everything" (20th-Fox)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: $13,200. (Average, $11,000)
"Torchy Gets Her Man" (W. B.)
STATE-LAKE — (2,700) (25c-35c-40c), 7 days. Stage: Eleanore Whitney & Revue. Gross: $18,300. (Average $12,000)
"Sweethearts" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $14,000. (Average, $15,000)

'Paris' at $7,500 Indianapolis High

INDIANAPOLIS, Jan. 17.—"Paris Honeymoon," dualled with "Secrets of a Nurse," drew a strong $7,500 at the Indiana. Also in the real money was the dual of "Kentucky" and "Down on the Farm," taking $7,200 at the Circle. "Sweethearts" took $5,000 in the second week at Loew's.

Estimated takings for the week ending Jan. 12-13:

"Tom Sawyer, Detective" (Para.)
"A Man to Remember" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $1,800. (Average, $3,000)
"Kentucky" (20th-Fox)
"Down on the Farm" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days, 3rd week. Gross: $7,200. (Average, $4,500)
"Paris Honeymoon" (Para.)
"Secrets of a Nurse" (Univ.)
INDIANA — (3,200) (25c-40c) 7 days. Gross: $7,500. (Average, $5,000)
"Sweethearts" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $7,000)
"Going Places" (F.N.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Gang Busters; Britt Wood; Rolf Holbein. Gross: $8,300. (Average, $8,000)

Dismiss Vending Case

CLEVELAND, Jan. 17.—Common Pleas Judge Walter McMahon has dismissed a $50,000 suit brought by the Vendola Corp. of New York against the Berlo Vending Co., Max Shenker and Ernest Schwartz. The Vendola Corp. had charged the defendants with pursuading 50 local exhibitors to transfer their service to the Berlo Vending Co.

Stockholders Get New Plan of Pathe

New plan of liquidation for Pathe Film Corp. was mailed yesterday to the company's stockholders, who are scheduled to vote on the proposal Feb. 16.

Under the plan a new company, probably to be known as Pathe Laboratories, Inc., will be formed to take over the Bound Brook laboratory and all other assets of Pathe Film with the exception of the 3,500 shares of duPont Film Mfg. Co., stock, which will remain with the present company. This stock will be used as collateral for a $200,000 bank loan which will be advanced to the new company for working capital.

In return, the new company will issue 11,600 shares of its authorized issue of 25,000 shares to Pathe Film. Within 60 days after consummation of the plan, Pathe intends to distribute 50 per cent of the new company's stock to its stockholders as a bonus and the remaining 50 per cent within the next two years "as practicable." Distribution is to be on the basis of one share of new stock for each 50 shares of Pathe Film stock held.

On retirement of bank indebtedness, it is the company's intention to make dividends from the duPont stock available for distribution to Pathe stockholders. The new plan requires the approval of two-thirds of the shareholders, as contrasted with the 80 per cent required for the earlier liquidation plan which was abandoned in December.

Union Demand Halts Appearance of Star

TORONTO, Jan. 17.—Elsa Lanchester, actress-wife of Charles Laughton, did not make a scheduled personal appearance at the Uptown, Toronto, on the occasion of the opening of "The Beachcomber," in which they are starred, because of the demand of the Toronto musicians' union that her presence on the stage would necessitate the engagement of a 10-man orchestra at full union scale. Announcement was made to this effect by Famous Players Canadian Corp. with Managing Director J. J. Fitzgibbons pointing out that the cancellation of Miss Lanchester's appearance was not due to the amount of wages involved but the principle at stake.

Miss Lanchester arrived in the city for the engagement but merely attended the opening performance as a patron of the theatre, declaring that she had not previously had an opportunity of seeing the complete feature on the screen.

'St. Louis Blues' to Open on Mississippi

HOLLYWOOD, Jan. 17.—Paramount's "St. Louis Blues" will be shown in cities along the Mississippi River in 19 pre-release day and date engagements. The cities selected for the premiere are New Orleans, Baton Rouge, Vicksburg, Memphis, Cairo, Paducah, Louisville, Evansville, St. Louis, Cape Girardeau, Hannibal, Moline, Quincy, Rock Island, Davenport, La Crosse, Port Madison, Huntington and Cincinnati.

'Set to Music' Is Tonight's Opening

"Set to Music," a revue written and staged by Noel Coward, starring Beatrice Lillie, opens at the Music Box tonight. John C. Wilson is the producer. Included in the cast are Richard Haydn, Eva Ortega, Hugh French, Gladys Henson, Penelope Ward, Bronson Dudley and Moya Nugent.

Institutional Film Drive Discussed

Advisability of the industry conducting another institutional campaign this year has been discussed at a meeting of major company publicity and advertising directors at the Hays Office before Will Hays left for the coast. His office refused to discuss any phase of the meeting.

Understood that the idea of a new industry campaign was coolly received by the meeting but that it will be the subject of later discussions together with the proposal of Howard Dietz, M-G-M advertising and publicity director, for the establishment of a permanent public relations bureau for the industry.

Sues to Enjoin Sale Of Disney Replicas

KANSAS CITY, Jan. 17.—John W. Hudson, attorney for Walt Disney Productions and Hamilton Enterprises, has filed suit in Federal District Court here against A. E. Sandhaus and firms selling replicas of Mickey Mouse and other Disney creations through vending machines, asking that they be enjoined from selling them. Hudson stated that Hamilton has the sole right to handle vending machines using Disney characters.

Hays on Committee For Elman Benefits

Will H. Hays has become a member of the national committee sponsoring the concert tour of Mischa Elman, violinist, for the benefit of German refugees of all faiths. Alfred E. Smith is honorary chairman of the committee and Paul D. Cravath honorary treasurer.

Compromise Due in London Seat Fight

LONDON, Jan. 17.—Following conversations between the London County Council and the London Branch of the Cinematograph Exhibitors' Association, the seat price regulation dispute is expected to be settled in the near future.

Reginald Stamp, chairman of the Entertainments Committee of the council, visited C.E.A. branch officials yesterday, and the officials of the exhibitor organization are expected to confer tomorrow with Herbert Morrison, chairman of the council. A compromise on the long standing dispute is believed here to be inevitable. Exhibitors are not contesting the practicability of the seat ruling, but the impracticability of an inflexible interpretation of it.

Woonsocket Raises Theatre License Fee

PROVIDENCE, Jan. 17.—In a move to increase municipal revenue, the Woonsocket, R. I., Board of Police Commissioners has increased theatre license fees and authorized Mayor Felix A. Toupin to consider placing firemen on duty at all theatres daily.

In place of the $2,190 paid by Woonsocket's six theatres to the city each year, the increased license fees and anticipated cost of the firemen would bring $13,728 into the city treasury. Theatres had been paying $12 each a week as license fee; now it is $30.

Understood managers of the theatres affected have placed the matter in the hands of attorneys to determine whether the increase is legal. Theatres now have special firemen, approved by the fire chief, who act as part-time janitors. Placing regular members of city force in the theatres would mean an extra $2 a day charge for each house.

Local 52 Asks Changes

Officials of Local 52, eastern sound men and grips' union, presented demands for minor revisions of their working agreements with eastern producers to Pat Casey yesterday. Casey said no action was taken on the demands.

Goldwyn Signs Swerling

HOLLYWOOD, Jan. 17.—Samuel Goldwyn has signed Jo Swerling, screen writer, to a three-year contract. His next will be "The Last Frontier."

The Newsreel Parade

Premier Daladier's visit to North Africa and the Senate quiz of Frank Murphy and Felix Frankfurter are important events covered in the new issues of the newsreels. Skiing, iceboating and horse racing are sports subjects included. The reels and their contents follow:

MOVIETONE NEWS, No. 37—Daladier tours French Empire. Senate committee hears Murphy and Frankfurter. Fashions. Ski jump in Illinois. Iceboating. Horseracing at Miami.

NEWS OF THE DAY, No. 235—Daladier visits Tunisia. Scientific experiment of a bullet. Devil's Island fugitives. Frankfurter testifies at Senate hearing. Iceboat race in New England. Ski championships in Illinois. Hialeah races.

PARAMOUNT NEWS, No. 45—Chelsea arts ball. Daladier inspects African possessions. Roosevelt nominees face Senate query. Jacob Ruppert dies. Nautical fashions. Ski-jumping. Hialeah race track opens.

RKO PATHE NEWS, No. 52—German refugees in Palestine. Murphy and Frankfurter at Senate hearing. High speed camera. Daladier in Tunisia. Skiing in Illinois. Butler's ball in New York. Boy's detective agency organized. Race horse index.

UNIVERSAL NEWSREEL, No. 737—Daladier visits North Africa. Frankfurter quizzed in Washington. Snow storm in New York. Asbestos fire suits. Jacob Ruppert's funeral. Fashion show. Iceboating. Handicap at Hialeah. Ski tournament.

'Jesse James' Sets Pace on Broadway, Beating 'Ragtime'

"Jesse James" at the Roxy is setting the pace among Broadway first run houses this week. Estimated gross for the first five days totaled $58,000 with more than $75,000 indicated for the week. Despite inclement weather over the weekend, Saturday's gross of $17,402 exceeded the first Saturday of "Alexander's Ragtime Band," which drew $15,947. On Sunday, 5,800 tickets were sold within 34 minutes after the box-office opened. Starting yesterday, doors opened at 9 A.M., one hour earlier than usual, to permit seven feature showings instead of six.

At the Paramount, "Zaza" continued strong, with $36,000 estimated for its second week. It is held over for a third, together with Benny Goodman and his band. "The Beachcomber" at the Rivoli attracted an estimated $24,000 in its third week. It is holding over.

"The Great Man Votes" is due at the Music Hall tomorrow. "They Made Me a Criminal" will start at the Strand on Friday with Leo Reisman's orchestra on the stage. "Newsboy's Home" is due at the Central on Saturday. At the Filmarte, "Grand Illusion" started its fifth month yesterday.

Injunction Denied In Ticket Code Suit

N. Y. Supreme Court Justice Louis A. Valente yesterday denied the application of Michael Atlas and Walter Friedman, doing business as Acme Theatre Ticket Office, for a temporary injunction restraining the League of N. Y. Theatres, Inc., its officers and directors, Actors Equity Assoc. and a number of theatre ticket brokers from enforcing the Code of the theatre industry regulating sale of tickets.

Justice Valente set trial of the suit for Feb. 14, stating that "a serious and grave doubt exists in my mind as to the plaintiffs' right" to the injunction but that he did not wish to express an opinion at the present time. Plaintiffs have contended that the refusal of the League to deliver tickets to them until they had agreed to abide by the code which restricts advances on tickets to 75 cents was in violation of Section 340 of the General Business Law.

Justice Valente observed that the League was attempting to abolish flagrant abuses in the theatre and stated that no attempt was being made to drive the plaintiffs out of business, but merely to enforce the code "that has as one of its objects the protection of the public."

Hamilton Rites Set

Funeral services for Gordon Hamilton, old time film actor, who died Monday, will be held tomorrow at the Episcopal Church of the Good Shepherd at Fort Lee. Hamilton had played with Pearl White in "Perils of Pauline" and in minor roles with Charlie Chaplin, Mary Pickford and Owen Moore.

GUNG
OPENS
WEEK.

A DIN NEXT

Pre-release

RADIO CITY MUSIC HALL ★
★ LOS ANGELES ★
★ MIAMI ★

RKO RADIO PICTURES

Simplification of Air Questionnaire Is Sought by NAB

WASHINGTON, Jan. 17.—National Association of Broadcasters will continue its efforts to get the Federal Communications Commission to simplify the questionnaire concerning ownership and control of broadcasting stations.

The N.A.B. membership will be advised immediately following any change made by the F.C.C.

Commission officials have advised the N.A.B. that any station unable to answer questions completely should answer to the best of its ability, with notice that a further report would be filed as soon as necessary information could be obtained. Radio attorneys in Washington have expressed the opinion that stations should answer the questionnaire, but that requests for its simplification should be pressed.

The N.A.B. has released another booklet, "The ABC of Radio," in its campaign to acquaint the general public with the aims and functions of the radio industry. The booklet will be distributed to the public.

New Dramatic Show To Start on WPRO

PROVIDENCE, Jan. 17.—WPRO, local CBS outlet, on Saturday will originate a new dramatic show from 9:30 to 10:00 P.M. The series will be dramatic adaptations of American classics by the Providence writer, Walter Hackett, who formerly did similar work in Hollywood. Gerald Bronstein, veteran of several New England summer theatre companies and associated here with Sock and Buskin, undergraduate players at Brown University, and other theatre groups, will direct.

Initial offering, "The Man Without a Country," will star Ed Pearson, radio actor and WPRO staff announcer. Several air advertisers have the program under consideration, the first of its kind to originate here.

Hammond Is Signed By American Record

John Hammond, critic on swing, has been engaged by American Record Corp., new CBS affiliate, as a talent scout and associate recording director.

First orchestra to be signed by the company since its acquisition by CBS is Jimmy Lunceford's.

NBC to Air Louis Fight

Clem McCarthy and Edwin C. Hill have been signed by the Buick Motor Co. to broadcast blow-by-blow and color commentary, respectively, of the world championship fight between Joe Louis and John Henry Lewis Jan. 25, to be heard over the combined NBC Blue and Red networks.

Cairns Visits Toronto

TORONTO, Jan. 17.—John Cairns, production comptroller for the Australian Broadcasting Commission, is now in Toronto for a four-month study of Canadian radio technique. In exchange, Frank J. Willis of the CBC Maritime Region is now in Australia.

NBC Hunting Commentator Of Caliber of Kaltenborn

NBC is currently engaged in a quiet search among newspaper writers on national and international affairs to find a personality who may be developed as a radio commentator of the caliber of H. V. Kaltenborn of CBS.

Writer whom NBC is most anxious to obtain is Arthur Krock, head of the *New York Times'* Washington Bureau, but Krock has turned down the network's most recent offer of a few days ago, just as he has turned down similar offers in the past. Krock yesterday explained in the capital that he has put such offers before his paper, which feels he should not go on the air.

With Krock definitely not available for the job, NBC program heads are currently listening to the recordings of talks made by various noted European correspondents of newspapers and news services during the Czech crisis. It is believed that the choice will come from this field.

Among those whose Czech crisis recordings are being studied are Eleanore and Reynolds Packard, UP, Prague; Walter Kerr, *Herald-Tribune,* Prague; Alvin Steinkopf, AP, Prague; John Lloyd, AP, Paris; Louis Lochner, AP, Berlin; Henry Cassidy, AP, Paris; William Bird, of the *New York Sun* Paris office; Eduard Traus, AP, Brussels; Matthew Halton, *Toronto Star,* Paris office; Wallace Duell, *Chicago News,* Berlin; Karl Von Wiegand, INS roving correspondent; William Hillman, INS, London, and a number of others.

NBC is without the services of an outstanding commentator on national and international affairs. John B. Kennedy, formerly featured by NBC, recently went to Mutual, and Edwin C. Hill and Lowell Thomas are unavailable because of their commercial commitments.

Vapoo Sets Deal to Sponsor WHN Show

Vapoo Products Co. has signed for 52 weeks of participation in the "Polly the Shopper" series on WHN, through a contract placement by Fuller, Smith & Ross.

Other new WHN business includes contracts for spot announcements for Lehn & Fink and Borden Co. products. William Esty Co. placed the former, Batten, Barton, Durstine & Osborn the latter.

Two Shows on WOR

Two new shows on WOR are "Changing Worlds," for the Refrigeration and Air Conditioning Institute, each Monday, 9:15 to 9:30 A. M. for 26 weeks, J. R. Lumke & Associates, agency, and "Man on the Farm," sponsored by Quaker Oats, 26-week series on Saturday, 12 to 12:30 P. M. Benton & Bowles placed the account.

Mann Award on WHN

WHN will air proceedings Sunday from the Hotel Astor when Dr. Thomas Mann receives the Prof. Albert Einstein Medal for Humanitarian Service. The broadcast will be from 10:45 to 11:15 P.M.. Speakers will include Postmaster General Farley, Secretary of the Interior Ickes, Governor Lehman and Mayor LaGuardia.

Hedda Hopper on NBC

Hedda Hopper will be starred in "Brent House," new NBC serial which makes its debut Jan. 21 and Saturdays from 8:30 to 9 P. M. Show will emanate from Hollywood.

Knox Sponsors Show

Charles B. Knox Gelatin Co. has signed for participation in the "Woman of Tomorrow" series on NBC, for 13 weeks. Kenyon & Eckhardt placed the business.

New Shows on the Air

"The Circle"

"The Circle," pretentious Sunday night variety program, by every standard, should be a program to evoke superlatives. Star-loaded and smartly produced, pegged about a new and novel idea, consisting of a weekly gathering of a small and select club whose members entertain each other and the listening membership at the meetings, the show took off on its maiden airing with every indication that it would be a smash. In many respects the opening "Circle" broadcast reached the mark of any of radio's best bets, yet somehow it never quite attained its potentialities.

Somewhere, on Sunday evening, a loose anchor exerted its dragging effect, slowing up the program to the point where it was downright maddening. We attribute this slow pace to the conversation of the members of the "Circle" during the intervals between performances. It was smart, sophisticated dialogue to be sure—especially Ronald Colman's—but it was pointless talk, and in our estimation far above the heads of most listeners. During those periods when the membership stepped out to give individual performances—the comedy moments by the Marx Bros., reading of poetry by Colman, the singing by Lawrence Tibbett dream dramatization by Cary Grant—the show was perfect. But always thereafter came those pace-killing intervals. This defect can be remedied easily, and remedied it will be, we believe. With that accomplished the program should have clear, enjoyable sailing.

Colman is a suave radio M. C. with a mike voice of pure melody. Tibbett, of course, was superb in his renditions of Bizet's "Toreador Song," Gershwin's "I Got Plenty of Nothin'," and the Marx Bros. and Cary Grant were excellent. Carole Lombard should have been given more to do.

"The Circle" is sponsored by the Kellogg Co., produced by J. Walter Thompson, and broadcast Sundays from 10 to 11 P. M. on the NBC-Red.

—JACK BANNER

Actor Unions Back AFRA on Walkout

(*Continued from page* 1)

production guilds, supply the talent, script, direction and production, in return for payment of $10,000 weekly to the Motion Picture Relief Fund.

In New York, Paul Dulzell, executive secretary of the Associated Actors and Artistes of America, which voted its support to A.F.R.A. on Monday, declared that "all actors' unions are solidly behind their affiliate in radio."

Thus far, of the 11 union branches affiliated with the Associated Actors and Artistes, more than half have already adopted resolutions declaring their intentions to support A.F.R.A. in the event a strike is called. These include Actors Equity, American Federation of Actors, American Guild of Musical Artists, Chorus Equity, Burlesque Artists, and S.A.G. The remaining union branches are expected to come through to score a 100 per cent average, before the balloting starts.

Attitude of the American Federation of Musicians is unknown in the absence here of its president, Joseph H. Weber, who is in Florida attending board meetings of the musicians' union. In union circles, however, it is confidently expected that the AFM will support the radio actors.

Following the balloting in New York tomorrow night, Emily Holt, local president of the A.F.R.A., will leave by plane for Los Angeles to address the A.F.R.A. membership prior to the voting.

Fail to Get Dismissal In Withycomb Action

Federal Judge Murray Hulbert yesterday reserved decision on an application of WFIL Broadcasting Corp. to dismiss suit for $50,000 damages brought against it by Donald Withycomb, its former general manager. The application contends that the Federal Court has no jurisdiction of the suit. The action was brought for alleged breach of contract of employment and was made on May 11, 1937.

Green Replaces Morgan

Johnny Green will replace Russ Morgan as the orchestra leader on the Philip Morris program on NBC, "Johnny Presents," making his first appearance Jan. 31. On the same date the program renewal for another year becomes effective.

Plan New CBS Serial

Personal Finance Co. will sponsor a new serial script show over 29 CBS stations, beginning Jan. 23. Quarter-hour program will be heard at 2 P.M. Mondays through Fridays. Its title is "Doc Barclay's Daughter." Blackett-Sample-Hummert is the agency.

Program "Aired"

Entire cast of "Howie Wing—the adventures of a Young Aviator" will take off from Newark Airport on Jan. 20 to broadcast the first of the dramatic sketches from an airplane. The program will be heard at 6:15 P. M. over CBS.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 13 NEW YORK, THURSDAY, JANUARY 19, 1939 TEN CENTS

Wage Law Not To Affect Film Unions in East

Producer Pacts Won't Be Renegotiated

Contracts with eastern film unions will not be renegotiated because of the Federal Wage and Hour law, union heads and eastern producers have decided. The procedure is the same as that being followed by the west coast unions and studios, which relies on the opinion that properly negotiated labor contracts are not affected by the law.

Procedure also covers pacts with the newsreel cameramen's union, which will not be renegotiated at this time. Assumption is that whether or not eastern cameramen follow the lead of the west coast men in classifying themselves as professionals, all cameramen eventually will be exempt from the wage and hour law under the amendment being pushed by Administrator Elmer F. Andrews, which would waive the hours provisions of the law in the case of all workers receiving more than $300 per month.

Pat Casey, producers' labor representative, who remained in New York pending decisions on the renegotiation of contracts here will leave for the coast tomorrow. He plans to be back in New York in March for the annual negotiations with the five international studio unions which are signatories of the basic agreement.

AFRA Will Vote On Strike Tonight

Membership of the American Federation of Radio Artists employed on sponsored network programs emanating from New York tonight will take a strike vote in the Sun Room at the Hotel Edison. The Chicago membership of the radio union will vote tomorrow, while the west coast contingent will vote on Saturday. More than 6,000 performers, comprising actors, singers and announcers, will cast ballots.

If a strike is voted, network operations will be so badly crippled as to make broadcasting almost impossible by CBS, NBC and Mutual, the three transcontinental webs.

AFRA has obtained the promise of support from virtually all branches of talent unions in the event a strike is declared.

Additional developments in radio are found on page 8.

Television to Be Shown in Capital

Demonstrations of the latest television equipment developments will be made before members of Congress next week by NBC. The NBC television van left New York for Washington yesterday, planning a stop in Philadelphia before continuing on to the capital. Six television receivers will be installed in the National Press Club, the plan embracing the interviewing of Congressmen and administration leaders at the radio camera. From the mobile unit the images will be telecast to the Press Club.

Ban on U.S. Funds For WPA Theatre Denied by Senator

WASHINGTON, Jan. 18.—Persistent reports that the Senate sub-committee which is considering the WPA deficiency appropriation bill would ban all future activities of the Federal Theatre Project were denied today by Senator Alva B. Adams, sub-committee chairman. Senator Adams declared that he had not heard of such a plan and would give no consideration to it, if proposed.

"We are not going to earmark funds in or out for any particular group. Congress cannot undertake administration of the details of the law," he said.

U.A. PARTNERS VOTE SLIDING SCALE PLAN

Cole Elected President of Allied States

WASHINGTON, Jan. 18.—Col. H. A. Cole of Dallas was elected president of Allied States at the final session of the board's winter meeting here today.



H. A. Cole

The directors selected Minneapolis for the next annual convention, to be held early in June. Definite date will be chosen later.

Cole succeeds Nathan Yamins of Fall River, Mass., who was president three terms. Cole has been a regional vice-president and long a national Allied leader. He is chairman of Allied's trade practice negotiating committee and president of Allied of Texas.

Abram F. Myers was reelected general counsel and Herman A. Blum of

(*Continued on page 3*)

Made Retroactive for '38; Applies to All Future Deals

LOS ANGELES, Jan. 18.—United Artists owner members today concluded annual sessions by voting unanimously plan advanced by Maurice Silverstone, operating head of the company, under which all U.A. producers would have sliding scale of distribution charges with pictures grossing more getting lower rates. Plan made retroactive for all producers whether stockholders or not for calendar year 1938 and will apply to all present and future deals.

Silverstone at press conference following the final session declared that the plan would bring about the lowest distribution costs in the history of the company and industry.

Owner members also voted substantial reduction of distribution costs, also retroactive for all pictures distributed in England and Canada.

Samuel Goldwyn announced the selection of James Roosevelt, his vice president, as his director on the U.A. board, replacing James Mulvey. Stockholders also voted extension of the release contract of Edward Small Productions to 1945 instead of three years originally scheduled.

Silverstone declared that amount of product for the new year would be greater than last year, although full schedules of individual producers have not yet been set.

Lauding Walter Wanger as one of their greatest assets, Silverstone said he would make six pictures for the new season at a total budget of six to seven million dollars. Hal Roach productions will be taken up next week by Silverstone, who is staying here for some time.

Concerning the possibility of Selznick International remaining with U.A. Silverstone declared he would rather have David Selznick make his own announcement. He admitted one of the principal reasons for his stopover here was scheduled parleys with John Hay Whitney, who arrives next week.

Declaring twentieth anniversary year prospects the best in history Silverstone pointed out business sold to date for the first half of 1939 at this point was greater than the total amount for the first six months last year.

Silverstone made his stewardship report covering his activities since taking office in July and received a vote of confidence from the stockholders.

James Roosevelt Repeats Denial of US Suit Interest

By VANCE KING

LOS ANGELES, Jan. 18.—James Roosevelt today, in the presence of leading motion picture executives and others, repeated his denial that his entrance into films had anything to do with the Government's anti-monopoly suit against major distributors.

[Roosevelt made a similar statement in Chicago, printed in the MOTION PICTURE DAILY of Dec. 15, when he was on his way east after signing the contract with Goldwyn. At that time he said: "I shall take no part whatsoever in the negotiations or proceedings with the Government."]

Guest of honor at luncheon tendered him at the Ambassador Hotel by J. F. T. O'Connor, former comptroller of currency, young Roosevelt, now vice-president of Samuel Goldwyn Productions, was praised highly by O'Connor, Joseph M. Schenck, Jack L. Warner, Goldwyn, Louis B. Mayer and Bishop W. Bertrand Stevens. They welcomed him into cinema fold and in response Roosevelt rose, thanked them, and read prepared statement which said in part:

"One amusing thing to me has been to find that the motion picture industry is not so far from politics in number and inaccuracy of its rumors.

"I have adopted in the past, and will in the future, those familiar words—'I may disapprove of what you

(*Continued on page 3*)

Purely Personal

JACK GOETZ of Du Art Laboratories had a birthday party at his home on West End Ave. Tuesday night. Attending were DAVID LOEW, ARTHUR GOTTLIEB, OSCAR DOOB, LOU BRECKER, MORT SPRING, LAUDY LAWRENCE and others.

•

LYNN FARNOL, United Artists advertising and publicity director, is expected back at his office today after a delay in his trip back from the coast when his plane was forced down at Nashville yesterday.

•

S. W. SHEETZ, Ross Federal research sales manager, recently became the father of a daughter. Another Ross Federal birth is that of JOHN J. TARPEY, 3RD, son of JACK TARPEY, branch auditor.

•

E. C. GRAINGER, general manager of Feiber & Shea circuit, has returned to Bradford, Pa., after two weeks of inspection of the circuit's 35 theatres in New York, Ohio and Pennsylvania.

•

PHIL REISMAN, RKO foreign chief, is in Miami, from where he will fly to Cuba on business. He will stop in Miami for the opening of "Gunga Din" on his way back to New York.

•

JULES LEVY, general sales manager of RKO, is on a business trip to Montreal, where he will confer with L. M. DEVANEY, Canadian district manager for RKO.

•

MRS. ABE SCHNEIDER, wife of the Columbia treasurer, gave birth to a seven-pound boy at Fitch Sanitarium yesterday, the family's third son.

•

SHERWOOD ANDERSON, author of the current Broadway hit, "Abe Lincoln in Illinois," has left for a month's cruise to South America.

•

MR. and MRS. LEE TRACY, who arrived here yesterday from London, leave tomorrow for Wilkes-Barre to visit the actor's mother.

•

LEE CLAIR, secretary to GEORGE SCHAEFER, president of RKO, will leave New York tomorrow for a short vacation in Florida.

•

"DUKE" CLARK, Paramount Cleveland branch manager, broke his arm when he slipped in his home.

•

L. W. CONROW, president of Altec Service Corp., has returned from Boston.

•

JOHN FORD will entertain the New York film critics tomorrow.

•

MRS. VICTORIA CARNOT WALKER is here from San Francisco.

•

IKE LEVY of WCAU, Philadelphia, is in town on business.

•

DICK POWELL arrived here from the coast yesterday.

•

MARVIN SCHENCK will go to Havana Jan. 27.

•

SAM KOPP goes to Florida today.

•

H. J. YATES has laryngitis.

Insiders' Outlook

By SAM SHAIN

THERE will not be a Motion Picture Industry Exposition this year, at the Grand Central Palace, or any other place. The idea was submitted and turned down by industry officials. You can't put the film business under glass.

▼ ▼

The "better class" of people treated her well and she received what she expected from the film people in Hollywood, Leni Reifenstahl, Nazi actress, declared when she sailed for Germany yesterday. Which is another way of saying she was shunned, we take it.

▼ ▼

A neat sales promotion folder prepared by the United Artists exploitation department was inspired by Harry Gold, eastern general sales manager. It serves a double purpose—as a broadside for theatres, and when unfolded to its full length, as a booking calendar.

▼ ▼

Astutely, those in charge of the Motion Picture Art Fund for German Refugees of all faiths, are availing themselves of the highly organized and efficiently operated distribution facilities of the film companies in the distribution of tickets in behalf of this very worthy movement. As most everybody knows, a number of well known artists have contributed work to the Fund. Among these are Dean Cornwall, Norman Rockwell, F. Louis Mora, Ivan J. Olinsky, Andrew Winter, Julius Lowenbein, Robert Phillip, Karl Anderson, George Lawrence Nelson, George Petty, Nat Karson, Max Kalish, Henry Rittenberg, Abner Dean, Vargas, Bonge, Nicolet, Hoff.

Tickets for the sale are available at home offices and exchanges of all film companies.

▼ ▼

Maybe you'd like to know that the capitalization of corporations formed in N. Y. State for 1938 aggregated $214,924,346. There were 15,649 firms incorporated. This is less than were formed in 1937, when there were 17,455.

▼ ▼

In April, Loew's will observe its 35th year.

▼ ▼

For an industry which is as dependent upon the printed word as the film industry is, it is strange to see the business gradually going away from that which it most needs—good advance advertising. It seems to us that the most important angle in show business advertising is the advance advertising.

Pictures have to be sold before they appear on the screens. The time to create enthusiasm is not after the picture has been sold, but before. Once lost, that opportunity cannot be fully regained. Cutting down advance advertising is the same thing as cutting the 20th Century from the N. Y. Central, or the Super-Chief from the Santa Fe, or cutting off the locomotive from any train.

One of the greatest selling ideas which was ever conceived in this business has been the screen trailer, but you can't depend on trailers alone. To achieve the fullest equation in customer attendance, the exhibitor must be sold first. Distributors and showmen are failing to employ currently the methods that made the industry great.

Stockholders Get Bondy RKO Order

Copies of the order approving the RKO reorganization plan, which was signed by Federal Judge William Bondy on Tuesday, will be mailed to all creditors and stockholders of the company before the end of the week. In addition, further notice will be given by publication of the order in the *Daily News Record* on or before Saturday.

The order of approval signed by the court was in the form authored by H. C. Rickaby, of counsel for Atlas Corp., proponent of the plan. The order, which denied the petitions of such objecting creditors as Ernest W. Stirn, Mary G. McPherson and Edward J. Hickey, specifies that an order confirming the plan will be signed by the court shortly after Feb. 4 providing sufficient consents are still on file after that date.

Korda Almost Ready On Two New Pictures

Alexander Korda will complete preparations for release of "Four Feathers" and "Thief of Bagdad," London Films' newest productions for United Artists release, on his return to Denham in about two weeks. Korda, now at the United Artists stockholders' meetings on the coast, is scheduled to sail for England Jan. 28 on the *Champlain*.

Arriving at Denham at approximately the same time will be Zoltan Korda, who recently completed shooting "Four Feathers" in the Sudan, and Vincent Korda, who has been doing work on "Thief of Bagdad" in Morocco.

Loew Sets Dividend

Directors of Loew's, Inc., yesterday declared a regular quarterly dividend of $1.62½ a share on the $6.50 cumulative preferred stock, payable Feb. 15 to stockholders of record Jan. 31.

'Winds' Does Well Despite Snow, Cold

Cold weather and snow are slowing up box-office grosses along Broadway, but "Trade Winds" finished a good week at the Music Hall yesterday with $70,000 estimated. At the Capitol, "Marie Antoinette" grossed an estimated $27,000. Today, "The Great Man Votes" opens at the Music Hall and "The Shining Hour" at the Capitol. Following three weeks of "Zaza" at the Paramount, "Paris Honeymoon" will start there next Wednesday. Bing Crosby is featured in the film and brother Bob Crosby and his band will head the stage show.

Three Managers Win Ross Federal Prizes

Three annual awards to branch managers have been made by Ross Federal Service. C. R. (Chuck) Corradini, Cincinnati, and Harold W. Keitle, Dallas, won silver cups awarded to managers showing the greatest efficiency and initiative in branch operation.

President Harry A. Ross has given a trip to Florida to Horace Free, Buffalo manager, as the manager showing the greatest progress and personal efficiency.

Court to See 'Remous'

ALBANY, Jan. 18.—Judges of the Appellate Division of the N. Y. Supreme Court are scheduled to see a special screening tomorrow of the second revision of "Remous" ("Whirlpool") a foreign made film which has been banned by Irwin Esmond, head of the N. Y. State censor board. An appeal to the Board of Regents was denied last March. Arthur Mayer and Joseph Burstyn, the distributors, brought the proceedings.

Holzmann Rites Held

Funeral services for Abe Holzmann, 64, composer of popular music, were held yesterday in East Orange. He was affiliated with Leo Feist and Remick Music Corp. and was advertising manager of the *International Musician*, organ of the national musicians' federation. He died Tuesday after a long illness.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

J. Roosevelt Denies U. S. Suit Interest

(*Continued from page* 1)

say but I will defend to the death your right to say it.'

"But here and now may I lay these ghosts:

"1. Believe me, the term of my association with Mr. Goldwyn and the industry, if I can help it, will not be measured by days or months, but by years and many of them.

"2. To you gentlemen, as well as to my family and myself, I owe the duty and obligation of making sure that no one can honestly or honorably ever connect my association with you to the industry troubles with the Federal Government.

"I cannot believe that any fair minded person would even expect me to dignify such insinuations. I would not even mention the matter here except that it has been brought up in such a way that I must reiterate once again and for the last time this essential fact."

Schenck described young Roosevelt as "a young man of truth, courage and honesty who will make splendid contributions to the industry." Then he declared:

"Many aspersions have been cast upon his entry into film business. He feels that he has a perfect right to enter this business. I agree with him and hope that all of you also do."

Warner to Cooperate

Warner promised cooperation to Roosevelt in learning the business and added jocularly: "Anything we have you want to try and get."

"I feel," said Goldwyn, "that we in the industry who desire to see motion pictures go on to better and better things should be on the lookout for young men who will be guaranty that American films shall maintain high rank they now enjoy. Jimmy Roosevelt is that type of guaranty. We pioneers in industry are getting old and we must be on the lookout for someone to take our places."

Mayer jokingly deplored Goldwyn's use of word "old" and declared, "I'm not old. I'm going places with Jimmy." He paid tribute to Goldwyn for foresight to desire Roosevelt to join him.

"I am confident that Jimmy Roosevelt will contribute much to our industry and I know we all will take great satisfaction in what you accomplish in the years to come," he said.

Bishop Stevens declared as final speaker: "It is a great compliment to motion pictures to have such a young man in its midst."

Among Those Present

Guests present in addition to speakers were Walter Braunschweigr, Joseph Rosenberg, Herbert Ivey, John Considine, Mervyn LeRoy, J. Walter Ruben, Sam Katz, Lou Wertheimer, George Bagnall, Henry Herzbrun, Jack Warner, Jr., Hal Wallis, James Mulvey, Reeves Espy, Murray Silverstone, Robert Riskin, Jock Lawrence, Richard Dwight, Walter Wanger, R. A. Carrington, Norman Chandler, Dr. Frank Barham, Harlan G. Palmer, A. Ronald Button, U. S. Attorney Ben Harrison, Federal Judges Leon Yankwic, Paul J. McCormick, Ralph E. Jenney and Albert Lee Stephens, W. R. Sheehan, Neil McCarthy, Jay Paley, Gil Ellingson, Carl Freshwater, Samuel Bronson, Paul Vallee, Sam Briskin, James E. Shelton, George R. Martin, the Rev. John Dignan, Walter Jahn. Arthur Wright, Alexander Korda, Charles Schwartz, Arthur Freed, George Lowerre, and Harold Link.

Gov. Olsen, W. S. Van Dyke, Rabbi Edgar Magnin and Federal Judge Harry Hollzer wired regrets for inability to attend.

'Stolen Life' Is Gripping Picture

London, Jan. 18.—"Stolen Life," Paul Czinner production for Paramount, premiered at the Plaza this evening, the proceeds going to the Lord Baldwin Fund, is somewhat slow, but is a gripping human drama. Elisabeth Bergner is splendidly sympathetic in the conflicting roles of twin sisters in love with the same man.

The personal element dominates many compelling dramatic situations. Alpine and sea coast settings, and the authentic locales in Britain, Switzerland, Brittany and Greece add to the effectiveness. Michael Redgrave is effective in the masculine lead. The film has universal appeal.

FLAN.

$9,108 Net Is Shown By Federal Theatres

Federal Theatres Co., a subsidiary of Warner Bros., and Bird Theatre Corp., its wholly owned subsidiary, report net profit of $9,108.63 for the year ended last Aug. 31. The companies operate nine theatres on the South Side of Chicago.

The statement shows net income of $369,790 before interest income and before $192,344 amortization and depreciation and $146,390 interest expense. Deficit is currently carried at $1,488,844. Amount of $145,995 is owed to Warner Bros. Pictures.

The properties, including land, buildings, improvements and equipment, are carried at $5,227,560. Funded and other long term debt totals $3,154,300.

Hays Staff Meeting On Coast Is Delayed

HOLLYWOOD, Jan. 18.—Will Hays, who has spent the first few days of his coast visit conferring with Hollywood personnel, has not as yet called a meeting of the staff. He is expected to set a date on the return of Fred Beetson of the Motion Picture Producers' Association who went to San Francisco as a member of the mayor's committee to preview the World's Fair there.

Sign William for Two

HOLLYWOOD, Jan. 18.—Warren William has been signed for two pictures —each at a different studio—on the same day, Paramount for "The Gracie Allen Murder Case" and Edward Small for "The Man in the Iron Mask."

Cole Elected Head Of Allied States

(*Continued from page* 1)

Baltimore treasurer. Charles H. Olive of Washington was elected secretary, succeeding Blum, and P. J. Wood of Columbus was elected recording secretary, succeeding Arthur K. Howard of Boston.

Elected to the executive committee were W. A. Steffes, Minneapolis; Sidney Samuelson, New Jersey; Martin G. Smith, Toledo, and Myers, Yamins and Cole.

The directors by resolution affirmed the trade practice report made yesterday by the negotiating committee, reiterating that group's recommendation that the first draft as drawn by the distributors is not sufficiently definite or complete to enable the board to vote final acceptance or rejection.

Seek Definite Plan

The board authorized the negotiating committee to continue efforts to obtain proposals meeting the directors' requirement for a "complete and definite plan including details of arbitration," and called for a report not later than March 1.

With major subjects disposed of, little business remained for the board's consideration today.

In a resolution on the Philadelphia situation, Allied called on 20th Century-Fox and the Chase National Bank, as controlling stockholders of National Theatres (Skouras), and on the theatre company as owner of the Fox Theatre, to give "earnest consideration" to the advisability of leasing the theatre to an independent exhibitor upon expiration of the present lease to Warners, in order to "break the monopoly in first run theatres which Warner Bros. now have in Philadelphia."

The resolution on trade practices stated: "After thorough study of the proposals submitted, and presupposing that a legal and workable wording of such proposals may be evolved, the board feels that such proposals fall far short of curing industry evils of which Allied and the independent exhibitors have complained for years, and the board therefore reiterates its stand taken in its former resolution that nothing in any plan which may be reported shall in any way hinder or preclude Allied States Association from seeking a larger measure of relief than that offered by the distributors, by legislation or otherwise; and, further, that the campaign of legislation and litigation be prosecuted unceasingly and with vigor."

To Arbitrate I. T. O. Operator Wage Scale

Negotiations on new wage scales and conditions for operators in I.T.O.A. member houses will be submitted to arbitration, it was reported at a meeting of the organization yesterday at the Astor. Revision of terms under the existing 10-year pact has been pending since last September.

Harry Brandt, president, reported on the recent trade practice meetings with the distributors. He expressed optimism of the outcome.

There was no discussion of the move to eliminate giveaways in New York. No meeting of the exhibitor committee has been scheduled.

Mayor Vetoes Bill To Allow Nine-Foot Signs on Marquees

Bill introduced by N. Y. City Councilman William Keegan to amend the present Administrative Code and permit nine-foot marquee signs for theatres was vetoed yesterday by Mayor LaGuardia and returned to the Council. Passage of the bill over the Mayor's veto is not regarded as likely in City Hall circles.

Reasons for the veto will not be made public until this morning when the message will be published in the *City Record*. Reports indicate, however, that the Mayor regards the whole problem of illuminated signs in the city as too complicated for treatment by separate bills and will ask for a special inquiry to study the subject. It is also understood that the Mayor is chiefly concerned with the possible fire hazard presented by electric signs.

The present two-foot limitation on marquee signs has existed for a little more than one year. Previously, the limit had been nine feet and the Keegan bill attempted to restore the former standard. Whether the Board of Standards & Appeals has the right to waive the limit will be determined in a Supreme Court case involving the Newsreel house on Broadway and 72nd St. This case, which has been adjourned pending the Mayor's action, will be heard on Jan. 26.

Universal May Set 1939-'40 Schedule At Coast Meeting

Universal's new season production plans may be decided during the studio conferences which get under way next week with Nate J. Blumberg, president, participating. Blumberg and W. A. Scully, vice-president and general sales manager, will leave New York for the coast tomorrow.

No decisions have been made on next season's schedule by the home office executives in advance of the studio meeting. Blumberg said the conferences will decide whether Universal will release more or fewer pictures in 1939-'40 than the company's customary 36 features and six westerns. The meeting also will determine the exact contributions to the program to be made by Harry Edington, whose first picture for Universal, starring Douglas Fairbanks, Jr., was announced recently.

Scully may make arrangements for Universal's annual sales meetings immediately following the product conferences. He plans to continue to Honolulu for a vacation thereafter. Blumberg expects to be back in New York shortly after the first of February. J. H. Seidelman, vice-president and foreign manager, who preceded Blumberg and Scully to the studio, may return earlier to sail on a South American trip. Cliff Work, studio head; Matthew J. Fox, vice-president, and John Joseph, advertising and publicity director, also will participate in the product conferences.

FOR ALL THE WORLD TO WITNESS THAT AMERICA WILL N

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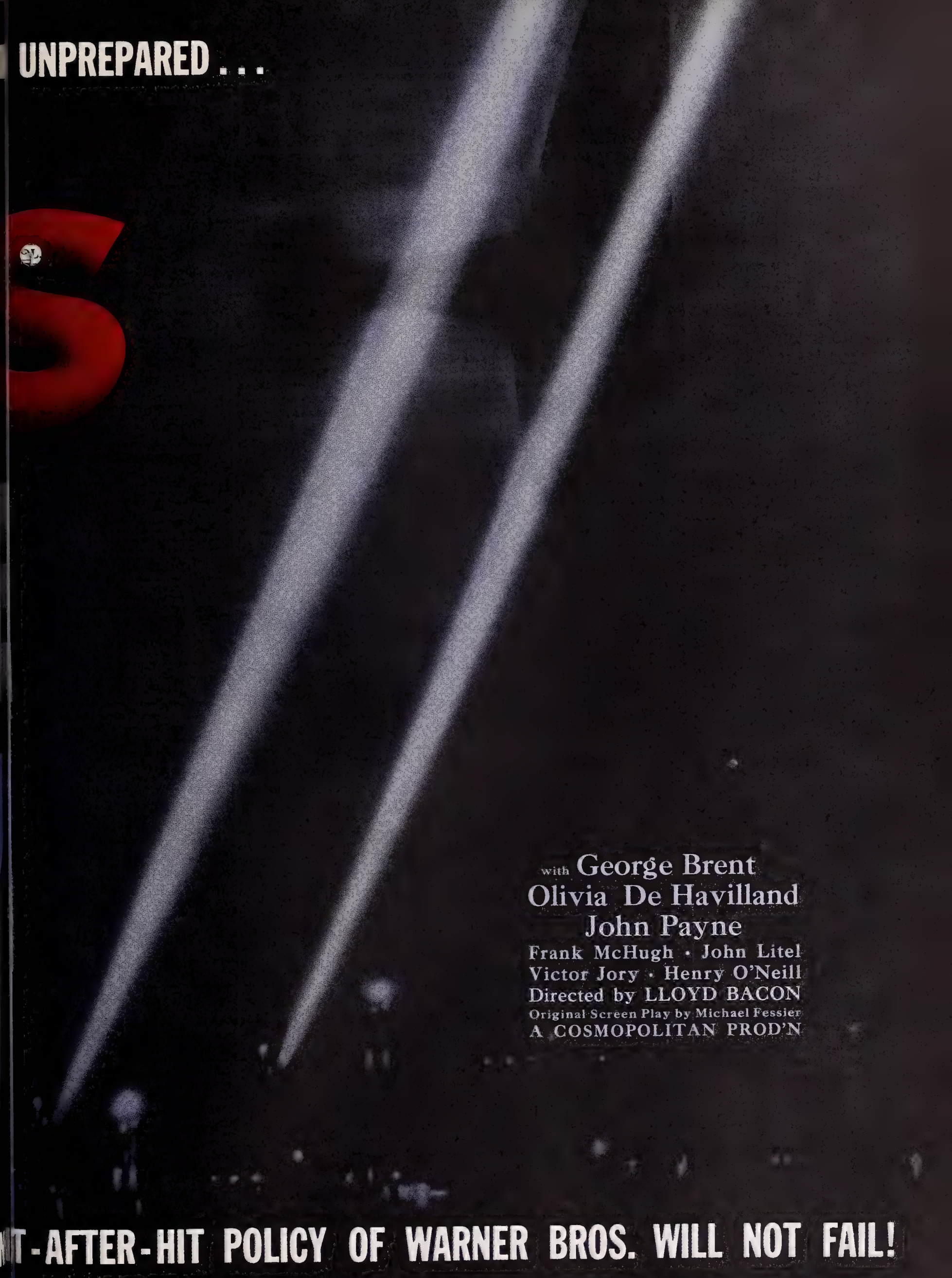
OF TH

NAVY

Filmed with the cooperation of the United States Navy
at the $200,000,000 Atlantic and Pacific Air Bases!

FOR ALL THE INDUSTRY TO WITNESS THAT THE DETERMIN

UNPREPARED . . .



with George Brent
Olivia De Havilland
John Payne
Frank McHugh · John Litel
Victor Jory · Henry O'Neill
Directed by LLOYD BACON
Original Screen Play by Michael Fessier
A COSMOPOLITAN PROD'N

T-AFTER-HIT POLICY OF WARNER BROS. WILL NOT FAIL!

'Kentucky' Is Boston Smash With $21,000

BOSTON, Jan. 18. — "Kentucky," teamed with "Up the River" at the Metropolitan, led the town, taking $21,000. "Dramatic School" and "The Shining Hour" dualing at Loew's State and Loew's Orpheum took $34,-500 at both houses, $19,500 at the Orpheum and $15,000 at the State.

Estimated takings for the week ending Jan. 11:

"Dramatic School" (M-G-M)
"The Shining Hour" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross, $19,500. (Average, $12,000)
"Dramatic School" (M-G-M)
"The Shining Hour" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c), 7 days. Gross: $15,000. (Average, $10,000)
"There's That Woman Again" (Col.)
"Newsboys' Home" (Univ.)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c), 7 days. Gross: $14,000. (Average, $13,000)
"Kentucky" (20th-Fox)
"Up the River" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c), 7 days. Gross: $21,000. (Average, $13,000)
"Going Places" (W. B.)
"Comet Over Broadway" (W. B.)
PARAMOUNT—(1,797) (25c-35c-40c-55c), 7 days. Gross: $8,000. (Average, $8,500)
"Going Places" (W. B.)
"Comet Over Broadway" (W. B.)
FENWAY—(1,382) (25c-35c-40c-55c), 7 days. Gross: $6,000. (Average, $4,500)

'Fight' Dual Big in Providence, $15,000

PROVIDENCE, Jan. 18.—Loew's State, with a dual of "Stand Up and Fight" and "The Girl Downstairs," took a strong $15,000. "The Dawn Patrol," combined with "Swing, Sister, Swing," at the Majestic, drew well at $9,500.

Estimated takings for the week ending Jan. 11-12:

"Stand Up and Fight" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $15,000. (Average, $10,000)
"The Dawn Patrol" (W. B.)
"Swing, Sister, Swing" (Univ.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $9,500. (Average, $6,500)
"Paris Honeymoon" (Para.)
"Storm Over Bengal" (Rep.)
STRAND—(2,100) (25c-35c-50c). Last five days of 11 day run. Gross: $4,500. (Average for 7 days, $7,000)
"The Storm" (Univ.)
FAY'S—(1,800) (25c-30c-40c) 7 days. Vaudeville. Gross: $7,000. (Average, $7,000)
"Pacific Liner" (RKO)
"The Road to Reno" (Univ.)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $6,000)
"Sweethearts" (M-G-M)
CARLTON—(1,526) (25c-35c-50c) 7 days. Gross: $4,000. (Average, $3,500)
"Down in Arkansaw" (Rep.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Vaudeville. Gross: $3,200. (Average, $3,000)

English Production Data to Be Sought

LONDON, Jan. 18.—A statistical investigation of production similar to that made last year is to be made again this year by the Board of Trade. Forms are to be sent out to producers and studios at the end of January.

The aim of the investigation is to obtain information concerning employment, cost of films produced and the like. Its objects are stated, officially, to be to obtain information as to the progress of the trades and industries to which it applies.

New York Reviews

"Fighting Thoroughbreds"

(Republic)

An entertaining film of the race track, "Fighting Thoroughbreds" is not unusual as to story. It starts with a feud between rival stable owners and a romance between their offspring—although in this instance the girl is finally won by an opposition lover, a doctor who finds himself treating horses instead of humans. Of course, too, there are plenty of race scenes. Ralph Byrd, "Dick Tracy" of the Republic serial, is likable as the doctor.

With the feud established early in the film, Battleguard, famous stud horse of the rich breeder, breaks loose and visits Queen, a mare belonging to an impoverished neighbor whose possessions are about to be sold out. Queen is auctioned to a milk company, and in time gives birth to a foal which later develops into a track champion. Through an error, a physician is called instead of a veterinarian, and supervises the equine delivery. Follows the introduction of gamblers who resort to kidnapping to insure the proper horse winning the race and the last minute rescue, allowing the foal, now known as Sweet Revenge, to win the race.

Running time, 65 minutes. "G."* JACK BANNER

"Smashing the Spy Ring"

(Columbia)

"Smashing the Spy Ring" is a melodrama which develops many moments of genuine tenseness. Following as it does the recent exposes and convictions of foreign spies who operate in this country, its timeliness makes it readily available for exploitation.

After the death of several G-men killed during an investigation of the enemy ring, Washington details Ralph Bellamy to take up the search. Fay Wray, as the sister of one of the murdered G-men, joins the Government forces to assist Bellamy. Faking loss of memory, Bellamy is admitted to Dr. Carter's (Walter Kingsford) sanatarium where the espionage gang makes its headquarters.

There is little let-up in the excitement as the action shifts from one close tussle to another. This excitement more than makes up for the moments when the film becomes somewhat unreal or over sentimental. Christy Cabanne directed.

Running time, 62 minutes. "G."*

"Arrest Bulldog Drummond"

(Paramount)

"Arrest Bulldog Drummond" is a lively and entertaining action picture of the intrepid gentleman sleuth who gets in the hair of Scotland Yard, but always gets his man.

This one deals with foreign agents who murder an eccentric electrical wizard and steal his death-ray machine. Drummond, always on the verge of marriage when dirty work begins, forsakes his fiancee at the church and sets out to avenge the murder of his old friend and to destroy the machine. Hair-raising but plausible adventures follow, relieved nicely by some fine comedy moments.

John Howard is effective as Captain Drummond and plays the part to the hilt. Heather Angel is an appealing about-to-be Mrs. Drummond, and E. E. Clive and Reginald Denny are unusually fine in their old roles of Tenny and Algy, respectively.

Running time, 65 minutes. "G."* JACK BANNER

"Code of the Fearless"

(Atlas-Spectrum)

A new series of musical westerns released by Spectrum Pictures gets off to a good start with "Code of the Fearless." It is well balanced, with plenty of action highlighted by a lengthy fist fight.

Fred Scott, who plays the ranger in search of a gang of bandits, sings two original and tuneful ballads. One of them, "Cactus Pete," should amuse most audiences.

Setting out to capture the outlaws who have been staging a series of holdups, Fred, under instructions from his chief, quits the rangers while under suspicion. He joins the bandits, who are led by John Merton, and working from the inside, captures the gang.

Claire Rochelle, as Fred's sweetheart, is an excellent horsewoman and should please. Harry Harvey, as an old miner, offers the comedy relief. Direction is by Raymond K. Johnson. C. C. Burr produced.

Running time, 56 minutes. "G."*

*"G" denotes general classification.

Cincinnati Gives "Winds" $13,000

CINCINNATI, Jan. 18. — "Trade Winds" did the best comparative business here, grossing a strong $13,000 at the RKO Palace.

Behind it came "The Dawn Patrol," with a take of $13,500 at the RKO Albee. "Kentucky," in its second week at the RKO Capitol, drew down a fat $9,200, and "Sweethearts," in the fourth week at the RKO Grand, was still strong with $4,000.

Estimated takings for the week ending Jan. 12:

"The Dawn Patrol" (W. B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $13,500. (Average, $12,000)
"Trade Winds" (U. A.)
RKO PALACE—(2,700) (35c-42c), 7 days. Gross: $13,000. (Average, $10,000)
"Swing, Sister, Swing" (Univ.)
RKO SHUBERT—(2,150) (35c-40c-60c), 7 days. Stage: Henry Busse and orchestra. Gross: $10,000. (Average, $12,000)
"Kentucky" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c), 7 days, 2nd week. Gross: $9,200. (Average, $6,500)
"Ride a Crooked Mile" (Para.) (3 days)
"Flirting With Fate" (M-G-M) (4 days)
RKO LYRIC—(1,400) (35c-42c). Gross: $3,800. (Average, $6,500)
"Sweethearts" (M-G-M)
RKO GRAND—(1,200) (25c-40c), 7 days, 4th week. Gross: $4,000. (Average, $2,750)
"Strange Faces" (Univ.) (2 days)
"Storm Over Bengal" (Republic) (2 days)
"Broadway Musketeers" (F. N.) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,150. (Average, $2,450)
"The Girl Downstairs" (M-G-M)
KEITH'S—(1,500) (30c-40c), 7 days. Gross: $5,000. (Average, $6,500)

M-G-M Reorganizes Its Pittsburgh Staff

Herbert W. Genter, former office manager for M-G-M in Pittsburgh and for the last two years salesman there, has been transferred to the Kansas City exchange as office manager. He succeeds Joseph Markowitz, transferred to the Atlanta branch as salesman in the Florida territory.

Edwin J. Moriarty has been promoted to office manager in Pittsburgh, replacing Milton Brauman, who fills the sales spot vacated by Genter. John Zomnir succeeds Moriarty as Pittsburgh first booker, with Max Schabason advanced to second booker and Irvin Jacobs to third booker.

Frank Jelenko, New Orleans salesman more than three years, goes to Philadelphia in the same capacity.

English Group Hits Fewer Pictures Plea

LONDON, Jan. 18. — Association of Cine Technicians has issued a statemen contradicting the recent claim of C. M. Woolf, managing director of General Film Distributors, that good films are possible only if few are produced.

The association contended that British theatres do better business when the studios are more active. Directly opposing Woolf's stand, technicians' group declared that more films mean better quality.

Goldrick of Erpi Off On So. America Trip

Miles A. Goldrick, assistant general foreign manager of Erpi has left for the Latin Americas to introduce the company's expanded lines of motion picture booth equipment. He will be gone about three months.

'Frankenstein' Gets $18,500 In Los Angeles

LOS ANGELES, Jan. 18.—Dual of "Son of Frankenstein" and "Next Time I Marry" led the box-office parade here, with $18,500 at two houses, $10,000 at the Hillstreet and $8,500 at the Pantages.

"Pygmalion" drew a good $7,400 in its third week at the 4 Star, and "Ride a Crooked Mile," aided by Rudy Vallee on the stage, drew $19,000.

Estimated takings for the week ending Jan. 18:

"Trade Winds" (U. A.)
"Thanks for Everything" (20th-Fox)
CHINESE — (2,500) (30c-75c) 7 days. Gross: $12,000. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: $7,400. (Average, $3,250)
"Son of Frankenstein" (Univ.)
"Next Time I Marry" (RKO)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $10,000. (Average, $6,500)
"Trade Winds" (U. A.)
"Thanks for Everything" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $13,900. (Average, $14,000)
"Son of Frankenstein" (Univ.)
"Next Time I Marry" (RKO)
PANTAGES—(3,000) (30c-65c) 6 days. Gross: $8,500. (Average, $7,000)
"Ride a Crooked Mile" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Rudy Vallee and his New York Roadshow and band. Gross: $19,000. (Average, $18,000)
"King of the Underworld" (W. B.)
"Freshman Year" (Univ.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $13,000. (Average, $14,000)
"King of the Underworld" (W. B.)
"Freshman Year" (Univ.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $15,300. (Average, $12,000)

Kemp's Show Helps 'Blondie' to Pull $18,000, Cleveland

CLEVELAND, Jan. 18.—"Blondie" at the RKO Palace with Hal Kemp, Judy Starr and Company, took the honors with $18,000. "Stand Up and Fight" did $12,500 at Loew's State, and "There's That Woman Again" at Warners' Hippodrome grossed $11,000.

"Kentucky," playing a move-over at the Allen, was big with $5,500, and "Sweethearts" at Loew's Stillman, also a move-over, took $6,000.

Estimated takings for the week ending Jan. 13:

"KENTUCKY" (20th-Fox)
ALLEN—(3,000) (30c-35c-42c), 7 days. 2nd week. Gross: $5,500. (Average, $4,000)
"There's That Woman Again" (Col.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $11,000. (Average, $12,000)
"Blondie" (Col.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Hal Kemp, Judy Starr & Co. Gross: $18,000. (Average, $15,000)
"Stand Up and Fight" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $12,500. (Average, $13,000)
"Sweethearts" (M-G-M)
LOEW'S STILLMAN—(1,800) (30c-35c-42c) 7 days, 2nd week. Gross: $6,000. (Average, $5,000)
"Il Pagliacci" (G. B.)
CITY—(485) (35c matinee, 42c nights) 7 days. Gross: $1,200. (Average, $1,200)

'Conquest' New Title

HOLLYWOOD, Jan. 18.—"Man of Conquest" has been set as the title of Republic's "Wagons Westward."

New York Reviews

"Adventure in Sahara"

(Columbia)

"Adventure in Sahara" is a tale of revenge in the French Foreign Legion. Encounters with Arab tribes and attacks on the Legion's fort add excitement to this action film.

The story is primarily devoted to action shots and develops several moments of tenseness. C. Henry Gordon gives an excellent portrayal of the discipline-minded captain.

Paul Kelly learns that his brother's death was caused by the cruelty of a Legion commandant. To avenge this death, he enlists and is assigned to the same officer, Gordon.

Gordon's cruelties continue and Kelly leads a successful mutiny. Gordon is sent out into the desert and given only enough provisions to last a few days. He manages to survive the trek through the desert, however, and returns with a new force. While attacking, they are trapped by Arabs and Kelly rescues them. The court martial, however, learns the reason for the mutiny and is lenient after Gordon is exposed. Lorna Gray adds a love interest by visiting the fort and remaining there during the mutiny. The screenplay was by Maxwell Shane from a story by Sam Fuller. D. Ross Lederman directed.

Running time, 58 minutes. "G."*

"Ride 'Em Cowgirl"

(Coronado-Grand National)

It is Dorothy Page, a hard riding, fast shooting cowgirl, who takes the lead in the first of a new series of westerns. Altogether charming in manner, she should be a favorite with audiences who like a new departure in westerns.

Probably in deference to the feminine lead, there is no fatal shooting in "Ride 'Em, Cowgirl" but there are plenty of gun fights and several fistic encounters as well. An exciting horse race, as the climax of a rodeo, is one of the film's features.

Dorothy, who was entrusted with the prize money for the rodeo, finds that it has been stolen. In order to save her father, who falls under suspicion, she takes the blame for the theft. She becomes an outlaw, but despite this handicap wins the rodeo race and unmasks a gang of silver thieves.

Milton Frome, as a disguised G-man, assists Dorothy. Together they sing two original songs. Vince Barnett and Lynn Mayberry are an excellent dance team. Arthur Dreifuss produced and Samuel Diege directed.

Running time, 52 minutes. "G."*

**"G" denotes general classification.*

'Dawn Patrol' Is $5,900, Oklahoma

OKLAHOMA CITY, Jan. 18.—"The Dawn Patrol" at the Midwest took $5,900, for the best comparative gross here. "Stand Up and Fight" was also strong, drawing $6,400 at the Criterion. "Flirting with Fate," aided by Al Trent's orchestra, tallied $2,700. Weather was warm.

Estimated takings for the week ending Jan. 12:

"Stand Up and Fight" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $6,400. (Average, $5,200)
"Flirting With Fate" (M-G-M)
LIBERTY—(1,200) (25c-30c) 7 days. On stage: Al Trent's orchestra. Gross: $2,700. (Average, $2,500)
"The Dawn Patrol" (W. B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $5,900. (Average, $4,500)
"Out West with the Hardys" (M-G-M)
PLAZA—(800) (25c-35c-40c) 7 days, 3rd week. Gross: $2,100. (Average, $2,000)
"There Goes My Heart" (U. A.)
STATE—(1,100) (20c-25c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $3,500)
"Listen Darling" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days. Gross: $1,900. (Average, $2,500)

Delaware Catholics May Classify Films

WILMINGTON, DEL., Jan. 18.—The Most Rev. Dr. Edmond J. Fitzmaurice, Bishop of the Catholic Diocese of Delaware, has been asked to consider the appointment of a local committee to pass on the films, classify them as to fitness and prosecute under local statutes when necessary. The request was made in a resolution adopted by the Catholic Action Forum, at a recent meeting.

Speaking at the forum meeting, J. A. L. Errigo, attorney, explained the work of the Legion of Decency and outlined the attitude of the Catholic Church, stressing that the church has a responsibility to oppose the glorification of crime and the presentation of immorality as attractive or desirable.

Two Companies Formed

DOVER, DEL., Jan. 18.—The Associated Town Halls, Inc., has been formed here to deal in theatrical and motion pictures, etc., with a capital of 1,000 shares no par value. Milford Theatre Corp., has been formed to deal in motion pictures with a capital of 10 shares, no par.

Philadelphia Gives 'Fight' Neat $17,000

PHILADELPHIA, Jan. 18.—Outstanding in a mediocre week, "Stand Up and Fight" grossed $17,000 at the Stanley. The Earle got the same figure for the combination stage and screen bill with Bob Crosby's band and "Going Places."

"Artists and Models Abroad" at the Fox took $12,500, and "Duke of West Point" topped off its last six days with a neat $7,000 at the Aldine.

Estimated takings for the week ending Jan. 12:

"Duke of West Point" (U. A.)
ALDINE—(1,300) (40c-55c-65c-75c) 6 days, 2nd week. Gross: $7,000. (Average, 7 days, $8,160)
"Dramatic School" (M-G-M)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,100. (Average, $2,800)
"Sweethearts" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 5 days, 3rd week. Gross: $7,000. (Average, 7 days, $14,000)
"Going Places" (W. B.)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Bob Crosby Band. Gross: $17,000. (Average, $14,000)
"Artists and Models Abroad" (Para.)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Gross: $12,500. (Average, $14,000)
"Kentucky" (20th-Fox)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,200. (Average, $4,000)
"Dawn Patrol" (W.B.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)
"Stand Up and Fight" (M-G-M)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $17,000. (Average, $14,000)
"Newsboys' Home" (Univ.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $7,000)

'Dawn Patrol' Is Kansas City Hit, Grossing $11,400

KANSAS CITY, Jan. 18. — "Dawn Patrol" hit the bell at $11,400 at the Newman, to lead here. "Charlie Chan in Honolulu" and Ina Ray Hutton gave the Tower $10,000, and "Kentucky" at the Esquire and Uptown in the second week was strong with $3,500 at the Uptown, and $3,200 at the Esquire. Weather was mild.

Estimated takings for the week ending Jan. 12:

"Kentucky" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $3,200. (Average, $3,000)
"Sweethearts" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days, 2nd week. Gross: $8,100. (Average, $11,500)
"Dawn Patrol" (W. B.)
NEWMAN — (1,900) (25c-40c) 7 days. Gross: $11,400. (Average, $7,000)
"Going Places" (W. B.)
"Next Time I Marry" (RKO)
ORPHEUM — (1,500) (25c-40c) 6 days. Gross: $2,600. (Average, 6 days, $4,400)
"Charlie Chan in Honolulu" (20th-Fox)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Ina Ray Hutton & Her Melodears, Winstead Trio, Elaine Merritt, Boy Foy, Bobby Pinkus, and Ruth Foster. Gross: $10,000. (Average, $7,000)
"Kentucky" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)

Gets "Little Flower"

Principal Film Exchange has acquired eastern distribution rights to "The Little Flower of Jesus," from Harry Lashinsky.

NAB to Seek Law to Censor Political Talks

DENVER, Jan. 18.—Demand for legislative relief from the present status of radio stations in political broadcasts, whereby stations cannot limit libelous remarks, will be made of Congress by the broadcasting industry, declared Neville Miller, president of the National Association of Broadcasters, at the meeting of the 14th District of the N.A.B. here today. Thirty-five radio executives from Colorado, Utah, Montana, Idaho and Wyoming were in attendance.

Miller declared that the radio industry will demand self-regulation, with stations determining what should or should not be broadcast. The N.A.B. president took the stand that radio stations do not want to be censors but at least want to be able to protect themselves from libel actions.

Matters under discussion at today's session included Ascap negotiations, copyright and labor relations. On Thursday the convention will take up discussions on program standards. Following the close of the session here, Miller and Ed Kirby, public relations counsel of the organization, will leave for the west coast to attend regional meetings of the N.A.B. there.

Several New Shows On CBC Schedule

MONTREAL, Jan. 18.—A number of new series and special programs are lined up by Canadian Broadcasting Corp., for presentation over national and regional networks.

Two regular weekly shows are "Let's Consider," a series of weekly talks by Hazen Sise, originating from CBM, Montreal, on the national hookup, in which he will cover the Canadian situation past and present, on Thursdays from 4:45 to 5 P. M., and "Appointment with Agostini," also from CBM, Montreal, Tuesdays, 9 to 9:30 P. M., a musical program under the direction of Lucio Agostini, featuring Charles Jordan, baritone, and the eight-girl Continental Choir.

CBC also will handle a series of broadcasts from London, beginning next week. H. Rooney Pelletier, program director of CBC here, is working with BBC on an exchange basis and will produce four radio sketches of famous royal palaces in London, which will be short-waved to Canada and piped to the national network.

Special programs lined up include a broadcast Jan. 26 from Hamilton, Ont., to the national hookup featuring George Skillan, regional adjudicator of the Dominion Drama Festival in a talk on the theatre; Fort William male choir under the direction of James H. Booth in a half-hour program to the network; Heinz and Robert Scholz, German duo pianists, on their second American tour in a musical show originating from CBM to the central and mideast nets, and Dr. Hans Kindler, permanent conductor of the National Symphony Orchestra, Washington, as guest-conductor of the Toronto Symphony Orchestra Jan. 24, to the national network.

Radio Personals

RUSSELL BIRDWELL, Hollywood press agent, will appear as a guest on the Rudy Vallee hour tonight to discuss his book, "I Ring Doorbells," which will be published next month . . . Glenn Darwin will appear in a special concert before members of the Harvard Club, Jan. 29. . . . Title of the dramatic serial by Elaine Sterne Carrington, in which Franchot Tone will appear is "Heaven Is Here." Script is now making the rounds of the agencies.... Dave Miller, announcer at WMCA, joins the matrimonial lists next month when he weds Denise Parker, network actress. . . . Joseph J. Weed, president of Weed & Co., station representatives, has left New York on a business trip to the midwest and Canada. After stops at Cincinnati, Evansville, Chicago and Detroit, he will proceed to Toronto for the annual convention of Canadian Association of Broadcasters, Jan. 23-25.

RCA Is Defendant In Two More Suits

Another stockholder applied yesterday to the N. Y. Supreme Court for permission to intervene in the stockholders' suits against RCA, Westinghouse Electric & Mfg. Co., General Electric Co., American Telephone & Telegraph Co., and 18 officers and directors of RCA. Jacob Fishman, alleged owner of 22 shares of RCA, in seeking to intervene, charged the transfer of 6,580,375 shares of RCA common stock to General Electric and Westinghouse, without consideration. This is the fourth stockholders' suit filed.

RCA also was named along with N. Y. Post, Inc., and Publishers' Service Co., Inc., in a suit brought by Nathan A. Hurwitz. The plaintiff claims to have originated the idea of distributing musical recordings and turntables to newspaper readers for advertising purposes. He seeks an injunction to restrain RCA from awarding exclusive agency to any other company.

WBO Is Ordered to Show Books in Suit

WBO Broadcasting Corp. was ordered yesterday by N. Y. Supreme Court Justice Aron Steuer to submit its books and records on Jan. 25 to inspection by Jonas Schainuck & Son, Inc., plaintiff in a $32,983 damage suit against the broadcasting company. Suit, which is also against Bess & Schillin, Inc., contends that the plaintiff, a retail clothier, broadcasted over WNEW daily until April 3, 1937 and that the defendant, in violation of a contract, had scaled down plaintiff's broadcasting time over an extended period.

Renew WABC Show

Horn & Hardart restaurants have renewed sponsorship of the children's hour on WABC, effective Feb. 19. Program, one of the oldest at CBS, is broadcast Sundays from 10:30 to 11:30 A. M.

Broadcasting Pact For North America Vetoed by Mexico

MEXICO CITY, Jan. 18.—Mexico has turned down the North American agreement on radio broadcasting made Dec. 13, 1937, at the regional convention in Havana, attended by representatives of the United States, Canada, Mexico, Haiti, Cuba and the Dominican Republic. The Mexican Senate refused to ratify the pact, without comment or explanation. This rejection has given rise to much speculation here. It is considered doubtful that there will be any change in the situation despite the efforts of Ambassador Josephus Daniels.

The Senate's attitude is considered strange in view of the fact that it ratified the Inter-American convention on radio communications of the same date at Havana as the North American regional agreement and the Inter-American radio pact made at that time. Approval then was given without explanation or comment.

'Lady Esther' Show On NBC Is Renewed

"Lady Esther Serenade," program on CBS, has been renewed for another year. The program features the band music of Guy Lombardo, Mondays, 10 to 10:30 P.M., over a 47-station hookup. Lord & Thomas is the agency. Lady Esther program on CBS, which also features Lombardo's orchestra, was renewed last week, also for a year.

Campbell Soup Co. will sponsor a new news series over WABC locally, Mondays through Saturdays from 6 to 6:05 P.M. United Press news service will be used. Ward Wheelock Co. is the agency.

WMCA Sets Three Program Contracts

New business placed at WMCA includes Roxy Clothes for a three times weekly series, for a period of 52 weeks, featuring Zeke Manners and Gang, placed through Klinger Advertising Corp. Other new business includes a 52-week series of transcriptions for Air Conditioning Training Corp. through National Classified Advertising Agency, and a 52-week renewal of investment talks by Erling C. Olson for the Fitch Investment Service, placed by E. C. Van Dyke Co.

Renew Howe Program

Louis Howe Co., sponsoring "Vocal Varieties" over a hookup of NBC basic Red network stations, has been extended for another year, effective Jan. 26. Program is broadcast Tuesdays and Thursdays, and originates at WLW, Cincinnati. H. W. Kastor is the agency.

'Good Will' Renewed

"Good Will Hour," sponsored by Ironized Yeast over a coast-to-coast Mutual hookup, as well as over the Inter-City network of WMCA, has been renewed over Mutual for another year. The renewal becomes effective Jan. 22. Ruthrauff & Ryan is the agency.

Super-Power Meets F.C.C. Opposition

WASHINGTON, Jan. 18.—Adoption of super-power was opposed tonight by the F.C.C. committee on proposed new broadcast rules, but the way was left open for further study of the question and possible action when more accurate evidence and experience has been secured.

Reporting to the Communications Commission on the proposed rules, on which hearings were held last June, the committee declared super-power has advantages and is economically feasible in the principal markets of the country, but held that disadvantages of economic and social character were more impelling.

Committee's recommendation was in keeping with other suggestions, including one that the commission adopt as its objective an equalization of facilities which would give every listener in the country a choice of at least two programs. Such objective, it was pointed out, could not be attained with super-power, which would starve out small stations.

Extension of the license term to at least one year was recommended, but the report suggested that the commission not prescribe program standards without further investigation. The committee endorsed the network principle of program distribution, but warned that each station should render adequate local service additionally. Transcriptions also were given approval, but caution was voiced that they should not be used to such an extent as to destroy live talent programs.

Committee took no definite stand on newspaper ownership, but recommended the commission give full weight to the factor of radio competition with established newspapers in passing on future applications for new stations.

"Hit Parade" Renewed

"Hit Parade," American Tobacco Co. musical program heard Saturdays on CBS, has been renewed for another year starting Jan. 28, at which time Mark Warnow assumes duties as the program's band leader. Lord & Thomas is the agency.

Dick Belt to WHIO

DAYTON, O., Jan. 18.—Dick Belt, formerly connected with Columbus stations, has been added to the announcing staff of WHIO here. He will be assigned to the night shift where he will handle virtually all remote programs.

Form Radio Company

ALBANY, Jan. 18.—Tested Radio Features, Inc., has been chartered, with capital stock of $15,000, divided into $10 shares. Directors are Philip Fuhrman, Milbrook; George Pellinger, Bronxville, and John G. Campbell, Rye.

'Mystery' Renewed

Standard Brands has renewed "I Love a Mystery," dramatic adventure serial, for another 50-week run on the air, effective at once. The program, a regional, is heard over the NBC Pacific Red network. J. Walter Thompson is the agency.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 14 NEW YORK, FRIDAY, JANUARY 20, 1939 TEN CENTS

Distributors Alter Pact on MPTO Basis

Committee of Allied Is Continuing Talks

Distributors will try to revise the trade practice draft on the basis of the recent series of meetings with the M. P. T. O. A. and several unaffiliated exhibitor groups. Distributors expect to have this ready in about three weeks.

Allied's committee will continue discussions and will report to the national board within six weeks.

Fate of the proposed trade practice program depends on the ability of industry lawyers to work out an arbitration sytem that will meet legal and practical oposition.

Exhibitor groups are deadlocked on the issue. The M. P. T. O. A. favors conciliation as a more practical method than arbitration. Allied opposes conciliation and insists on arbitration, under set rules.

M.P.T.O.A. Idea

The M. P. T. O. A. idea is that local board secretaries can be empowered to set up the machinery for mediation and conciliation of disputes with only general instructions on objectives sought. Persuasion rather than compulsion is sought. Arbitration would be resorted to only if this should fail.

Allied wants arbitration procedure

(*Continued on page 5*)

Academy Award Date Now Set at Feb. 23

HOLLYWOOD, Jan. 19.—The Academy of Motion Picture Arts and Sciences has advanced the date of the eleventh annual awards event to Feb. 23 at the Biltmore Bowl. The committee wished to conform more closely with the calendar year period.

A committee to arrange the dinner was named as follows: Mervyn LeRoy, chairman; Basil Rathbone, Robert Riskin, Howard Estabrook, J. Leroy Johnston and Donald Gledhill. Nominations ballots will be mailed to eligible persons Jan. 23 to be returned by Feb. 3. Final ballots will be mailed Feb. 10 to be returned by Feb. 20. Price, Waterhouse & Co. will count them.

Raft in New Feud

HOLLYWOOD, Jan. 19.—George Raft is feuding over story angles with Paramount again. A conference is scheduled tomorrow morning at Paramount over Raft's new tangle.

Moss Seeks Chance Games Ban on S. I.

License Commissioner Paul Moss yesterday conferred with Staten Island exhibitors with a view to arriving at a plan for the elimination of chance games. The borough was selected because most of the houses are operated by three circuits and there are two small exhibitors, with competitive conditions similar to the metropolitan area. This is in line with Harry Brandt's idea to use Staten Island as the proving ground for the elimination of chance games.

Hearings Sought on Block Booking Bills

Counsel for major distributors have filed formal application for Congressional hearings on pending anti-block booking bills.

The requests were filed with the Interstate Commerce Committees of the House and Senate shortly after the measures were introduced early this month. No action has yet been taken.

Similar requests for hearings on the Neely-Pettengill measure last year were rejected on the ground that previous hearings and voluminous testimony on file were sufficient.

Early action by both houses is anticipated in industry circles here. Bills pending were introduced by Representative Edmiston of West Virginia in the House and Senator Neely, also of West Virginia, in the Senate. Representative Pettengill, former champion of the House bill, did not seek reelection. The bills are companion measures.

N. Y. AFRA LOCAL VOTES TO STRIKE

Milstein to Coast; Small to Make 6-8, Adds Erpi Studios

J. J. Milstein, eastern head for Edward Small, departs by train for the coast today. He is going to California for conferences on new season's product with his chief. Milstein probably will spend two weeks in California with Small.

HOLLYWOOD, Jan. 19.—Edward Small will increase his program of pictures for the coming season, which are to be released through United Artists. Small will make from six to eight pictures. On several of these, stories already have been selected and one, "The Man in the Iron Mask," is already in production. Joan Bennett and Louis Hayward are in this film.

Small also has signed Wallace Beery for a picture. He also has Jackie Cooper, Tom Brown, and he may have Randolph Scott. His expanding activities have caused him to take over the General Service Studios, owned by Erpi, which were formerly leased by Major Productions (Emanuel Cohen). C. W. Thornton, who has been with Erpi, is general manager of the studio for Small.

Some of the pictures which Small will make include "My Son, My Son," from Howard Spring's popular novel; "Kit Carson," which probably will go into production in April; "Life of Valentino," and "Pago Pago."

Chicago, Los Angeles And San Francisco to Follow

By JACK BANNER

New York members of the A.F.R.A., "baby union" of the Association of Actors and and Artistes of America, paved the way for a paralyzing cessation of sponsored national networks last night by voting to support the union in a strike.

Pledges of support have been received from the locals in Chicago, Los Angeles and San Francisco and they will vote tonight and tomorrow on the walkout.

About 1,200 New York radio actors, singers and announcers thronged the sun room of the Hotel Edison for the strike vote meeting. A war chest for the impending walkout was started and all subscribed sums ranging from coins to $500 contributed by Lawrence Tibbett, vice-president of the A.F.R.A. Dick Powell subscribed $250 as did Helen Menken.

Strike Resolution

The strike resolution was to the effect:

"We will obey the national board when a strike is called in the field of commercial networks against any agencies, producers or others and any programs and at any time."

The actual strike call will come from the National Board. No date has been set for the call.

Instructions were issued for the membership to hold itself in readiness for the decision which will be given shortly after balloting by the remaining key locals. The membership was informed by the National Board that "captains" have been assigned to every commercial program now on the air, and that when these "captains" walk

(*Continued on page 7*)

Television Is Ready for Public, Says Farnsworth

WASHINGTON, Jan. 19.—Television is now sufficiently perfected to offer to the public, and his company this year will ask the F.C.C. for a commercial license, Philo T. Farnsworth, vice-president of Farnsworth Television, Inc., today told the Temporary National Economic Committee.

Testifying at the hearing on patent monopoly, Farnsworth found the members more interested in picture radio than in patents and devoted much of his discussion to the television situation.

Explaining that at least three companies will have transmitters in operation in the near future, he said production of receiving sets to sell as low as $125 shortly will be started and disclosed that his company is arranging to take over a large plant in Ohio for manufacturing. Farnsworth said the proposed television station could be financed by advertising.

Asked by Senator O'Mahoney as to the truth of reports that television

(*Continued on page 7*)

Additional developments in radio on page 7.

Name H. R. Winthrop Director of Loew's

Henry Rogers Winthrop, partner in the Wall St. firm of Winthrop, Mitchell & Co., has been elected a director of Loew's, Inc. He succeeds William A. Phillips, who has retired from business and left the city. Phillips was a director for a number of years.

Winthrop is a director of the Metropolitan Opera Association and other enterprises, including the Wabash Railroad, U. S. Rubber Co., American Express Co. and Long Island Railroad.

Purely Personal

MARY PICKFORD, DOUGLAS FAIRBANKS, SR., ALEXANDER KORDA, JAMES ROOSEVELT, JAMES MULVEY, EMANUEL SILVERSTONE, CHARLES SCHWARTZ and RICHARD DWIGHT will arrive in New York this weekend following the close of the United Artists meetings on the coast. MURRAY SILVERSTONE, DENNIS O'BRIEN and EDWARD C. RAFTERY are remaining on the coast for further parleys.

•

GRACIE FIELDS, WALTER HUSTON, WILLIAM GAXTON, BEATRICE LILLIE and many other stage and screen players will appear at the 57th annual benefit show of the Actors' Fund of America, at the Winter Garden Sunday night.

•

W. A. STEFFES and BENNY BERGER of Northwest Allied, and JACK KIRSCH, president of Illinois Allied, are in town from Allied's Washington board meeting. They plan to leave tomorrow.

•

SAMUEL RINZLER, president of the Randforce Amusement Corp., leaves Jan. 27 for Honolulu. He will stop off at the coast to and from the island, returning about the middle of March.

•

MAUREY ASHMAN has been assigned by STANLEY KOLBERT to supervise theatres of the Strausberg Interboro Circuit. He had been in charge of the Tri-Boro Bronx division.

•

JACK GOETZ is taking up golf, and so his friends remembered him on his birthday, Tuesday, with valuable golfing novelties. The gross was above average.

•

MORRIS HELPRIN, MORRIS KINZLER, A-MIKE VOGEL, HERBERT JEADICKER, WILLIAM BOEHNEL and LEO MISHKIN, at lunch in Lindy's, yesterday.

•

FLORA ROBSON will sail for her native England following the completion of her work in "Wuthering Heights" for SAMUEL GOLDWYN.

•

I. J. HOFFMAN, Warner Theatres zone manager in New Haven, has left with MRS. HOFFMAN for a Florida vacation.

•

MRS. HELEN WILLS MOODY arrived from the coast yesterday to work with the other judges in the Movie Quiz contest.

•

EUGENE FORDE, 20th Century-Fox director, and MARGARET LOCKWOOD, English actress, are en route to the coast.

•

SPYROS SKOURAS, head of National Theatres, leaves tomorrow for two weeks of conferences on the coast.

•

LYNN FARNOL, director of advertising and publicity for United Artists, arrived yesterday from Hollywood.

•

RICHARD TAUBER and his wife, the former DIANA NAPIER, arrive today on the *Aquitania*.

•

PERRY SPENCER, former Loew publicity man here, is handling publicity for Republic in the south out of A. C. BROMBERG's headquarters in Atlanta.

•

FRANCES HARRIS, secretary to HARRY GOLD, eastern general sales manager of United Artists, sails Saturday for Bermuda and the West Indies.

•

ADOLPHE MENJOU will return to the coast over the weekend after a brief vacation in New York.

•

CHARLES BOYER arrives today from the coast, following completion of "Love Affair" for RKO.

•

M. J. SIEGEL, head of Republic Productions, arrives today from the coast.

•

JACK COHN, Columbia vice-president, is vacationing in Florida.

•

MILTON SILVER is confined to his home with a cold.

Insiders' Outlook

By SAM SHAIN

BEN WASHER has resigned from United Artists, where he was publicity manager. He was signed yesterday to a more important post in another end of show business.

▼ ▼

Elsewhere in this edition, Philo T. Farnsworth says television is ready for the public. However, others, including experts of Philco, and Comm. McDonald, of Zenith, recently indicated otherwise. And—Dumont, which Paramount owns a substantial equity, is advertising its receivers to radio dealers.

▼ ▼

The suggestion has been forwarded, we understand, to the Sleznick-International people in California, to change the name of Vivien Leigh to Virginia Lee, as an offset to her British background and to give her name a southern connotation.

▼ ▼

One of Russell Birdwell's new accounts will be *The Love Game*.

▼ ▼

Here's a nice projection room laugh from Si Seadler. In "Four Girls in White," Una Merkel, playing a nurse, complains to the orderly, played by Buddy Ebsen, that there's a fly in her ice cream. Ebsen retorts:

"Can I help it if he likes winter sports?"

▼ ▼

Theatre operators will be interested to learn from Dr. Matthew Luckiesh, director of the lighting research laboratory of General Electric at Nela Park, Cleveland, that motion pictures are generally viewed by the public under highly unsatisfactory lighting conditions. Dr. Luckiesh, who knows his lighting, suggests increased intensity of light for the projection machine, and diffused lighting through the rest of the theatre to reduce eye strain and blinking on the part of the customers. Dr. Luckiesh, himself, has perfected a meter which tests eye strain by counting the number of times the eye blinks.

▼ ▼

The fact that some 18 theatres in the New York metropolitan area operated by Loew's have played the "ten best" pictures (critics' selection) for three successive years, 1936-'37-'38, has impelled the creation of a novel trailer by Oscar Doob for the screens of these theatres, reading: "You will see every big picture made." It's a strong selling point for the box-office.

▼ ▼

Harry Gold, eastern sales manager of United Artists, who is in New York, takes his pen in hand to elaborate on Maurice Silverstone's statement from the coast, the other day. Mr. Gold wants the world to know that United Artists now has in circulation one of the largest schedules of big time pictures assembled.

▼ ▼

Warners have prepared a compelling newspaper-size broadside in connection with "Wings of the Navy," to illustrate the timeliness of the release of that picture. The broadside encourages theatres to take advantage of the newspaper headlines which have been devoted to our national defense, particularly the air force. Reproduction of an ad on the back page of the broadside emphasizes the aviation side of the Government's armed forces, as shown in the picture, an angle which keynotes the entire W.B. campaign, and also appears in the regular press book. The picture will be released Feb. 11, the day before Lincoln's Birthday.

'Made Me Criminal' Is at Strand Today

"They Made Me a Criminal" opens at the Strand today. Leo Reisman and his orchestra head the new stage show.

"Jesse James" rolled up an estimated $76,500 in its first week at the Roxy, ending last night. There were more than 160,000 paid admissions. "Going Places," with Louis Armstrong and his band on the stage, finished with an estimated $29,000 at the Strand in the second and final week. "Pygmalion" grossed an estimated $13,000 at the Astor in its sixth week and continues there.

Mayer, Burstyn Move

Arthur Mayer and Joseph Burstyn, foreign film distributors, have moved their offices to the Rialto Building, 1481 Broadway.

La Guardia Seeks Higher Sign Fees

Higher fees for licenses to maintain signs in New York will be sought by Mayor F. H. LaGuardia, together with more rigid supervision over them. This was revealed by publication yesterday, of the Mayor's message vetoing two bills which sought to extend the limit on theatre marquees signs from two feet to nine feet.

In his message Mayor LaGuardia declares that the practice of using illuminated signs throughout the city was being abused and required study. The problem of both illuminated and non-illuminated signs should be considered as a whole and not on a "piecemeal" basis, the Mayor feels. Special attention is sought by him to avoid traffic dangers and violation of zoning laws, he declared. These increased fees which will be proposed are meant to cover the cost of stricter regulation.

The Mayor suggests that the question of changes and repairs to existing signs should be handled through the Board of Standards & Appeals. This right of the board to modify existing requirements has been challenged in the N. Y. Supreme Court. Several months ago, the Mayor vetoed a bill to permit the nine-foot limit. At that time His Honor indicated he would approve the bill if it was applied only to theatre marquees.

The present veto came as a surprise to the bills' sponsors.

RCA Photophone's Export Parley Ends

RCA Photophone's export division yesterday concluded its annual convention at Camden. Attending from London were Bernhard Gardner, British manager, and W. E. Garling, chief engineer.

From Canada were Fred Peters, managing director of Dominion Sound Equipments, with Lloyd Pearson, sales manager, and H. S. Walker, chief engineer. Others attending were Felipe and Fernando Mier, Mexico representatives, and delegates from the Philippines, Panama, Colombia and Cuba. Van Ness Phillip, general export manager, presided.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"JESSE JAMES"

The Thrill of the Industry

GIVES LOS ANGELES

ITS BIGGEST THRILL

IN A YEAR!

Chinese and Loew's State headed for new highs! All indications that "Alexander's Ragtime Band" history will be repeated!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Theatre Changes

MIDWEST OPENING TWO

Mt. Vernon, Ill., Jan. 19.—Fox Midwest will reopen the Royal here on Feb. 1. It has been closed for about a year. Homer Marvel is manager. Star, 500-seat Fox Midwest house at Benton, Ill., which has been closed since silent days, is being remodeled and will reopen about March 1.

TAKES MISSOURI HOUSE

Kansas City, Jan. 19.—C. C. Rhodes, who runs the Roxy, Warsaw, Mo., has taken over the theatre at Buffalo, Mo.

VAN CROIX JOB DONE

Melbourne, Fla., Jan. 19.—The Van Croix has completed improvements at a cost of more than $10,000.

CHASE TAKES HOUSE

Cincinnati, Jan. 19. — Maurice Chase has closed his independent exchange, known as Chase Pictures, Inc., established about two years ago, to devote his time to the new Avon, neighborhood house recently opened.

FAITH HAS ANOTHER

Unionville, Conn., Jan. 19.—Joseph W. Faith, operator of Terryville and Collinsville theatres, will open the new 500-seat Empress shortly.

PLAN N. O. THEATRE

New Orleans, Jan. 19.—Construction of the new $120,000 Circle has been started by the Jadel Theatres, Inc. J. A. Dichary is president of the company and Henry Lazarus, vice-president.

TO BUILD IN N. C.

Lenoir, N. C., Jan. 19.—Lenoir Theatres, Inc., has bought property here on which they plan to erect a theatre.

LEGENDRE BUILDING

Lumberton, N. C., Jan. 19.—Morris Legendre has started construction on a new theatre here, to seat 900.

CROSBY TO THEATRE

San Francisco, Jan. 19.—Dick Crosby has been named assistant manager of the New Embassy.

CLOSES IN FORT LEE

Metro, Fort Lee, has closed for an indefinite period.

STANDARD REMODELING

Oklahoma City, Jan. 19.—Ritz, neighborhood subsequent operated by Standard Theatres Corp. has been closed this week for remodeling.

REMODEL IOWA HOUSE

Webster City, Ia., Jan. 19.—Pioneer Theatre Corp. has closed the Granada here for remodeling. It is expected to be ready for reopening by Feb. 15.

ROCKWELL TO NEW YORK

Providence, Jan. 19. — Kenneth Rockwell, manager of the RKO-Albee here, has gone to the RKO Colonial, New York. He is succeeded at the Albee here by Harry McDonald, former division manager for RKO and brother of Charles McDonald, New York division manager.

BLAIR IN PARTNERSHIP

Cedar Falls, Ia., Jan. 19.—M. R. Blair, owner of the Regent here and vice-president of the Independent Theatre Owners of Iowa and Nebraska, has formed a partnership with the Tri-States Theatre Corp., and been named president of a newly formed company to be known as the Cedar Amusements, Inc. He will continue as manager of the Regent.

REMODEL IN ILLINOIS

Kansas City, Jan. 19.—The Illinois at Jacksonville, Ill., is being completely remodeled. Opening is scheduled for March 1 by Ralph Bartlett, Jacksonville manager for Fox Midwest.

EL REY TO CIRCUIT

San Francisco, Jan. 19.—El Rey, 1,200-seat neighborhood house formerly operated by San Francisco Theatres, Inc., has been taken over by Golden State Theatres, bringing the latter circuit to 13 houses. L. J. Williams remains as house manager.

BALDWIN LEASES HOUSE

Marble Rock, Ia., Jan. 19.—O. C. Baldwin of Mount Pleasant, Ia., has leased the Towne here.

ENLARGE IN IOWA

Coon Rapids, Ia., Jan. 19.—Floyd Rafferty has closed the Lyric here for an indefinite period while the entire building is being remodeled to enlarge the seating space.

LIGHTMAN HANDLES TWO

Helena, Ark., Jan. 19.—M. A. Lightman, Jr., who has succeeded Hal Howard as manager of the Paramount here, also will be in charge of the Pastime. Howard has taken over Lightman's former duties as manager of the circuit's theatres in Hope.

OPENS KANSAS HOUSE

Kansas City, Jan. 19.—D. A. Shadid has opened the Shadid at Dexter, Kan. The new house seats 325.

BUYS CONN. THEATRE

Windsor Locks, Conn., Jan. 19.—Joseph Walsh of Hartford, who acquired the Colonial, Southington, last month, has purchased the 650-seat Rialto here, formerly owned and operated by Alfano and Tambucci.

FORM THEATRE FIRM

Lexington, Ky., Jan. 19.—Phoenix Maysville Theatre Co., here, has been chartered with capital of $5,000. Incorporators are Mark Benjamin, R. E. Wallace and Alton Dockstader.

LEASES IN KANSAS

Kansas City, Jan. 19.—Arnold Burn has leased the Sunflower, Peabody, Kan., to Joseph G. Bushorn, formerly at the Kansas and Crawford theatres, Wichita.

OWNSBY TAKES HOUSE

Seattle, Jan. 19.—The Pic Theatre in Hoquiam, Wash., has been taken over by R. H. Ownsby. The house will reopen soon following alterations.

TAKE OVER NAVARRE

Leff & Sevush have taken over operation of the Navarre, Brooklyn.

Personnel Moves

MANAGE DENVER HOUSE

Denver, Jan. 19.—Two men new to the exhibition field have been named managers of Denver Fox houses. Robert Selig, former district manager for Gaumont-British here, is manager of the Hiawatha, succeeding Ralph Batschelet, who has been managing the Bluebird also. Al Yohe, publicity director for other amusement enterprises, is managing the Webber, succeeding Harry Lane, resigned.

ROSS SHIFTS HENDERSON

Chicago, Jan. 19.—Harold F. Henderson has been named assistant manager of the Ross Federal office here. Henderson, who comes from Pittsburgh, succeeds Charles Graves, who takes over the management of the Denver branch.

SHIFT 3 MANAGERS

New managers have been appointed to three theatres in the Bronx operated by Consolidated Amusement Enterprises. William Slader will manage the 1,660-seat Jerome; David Silverman the 925-seat Moshulu, and Irving Ginzberg will manage the Ogden, 1,370-seat house.

STEVENS PARA. MANAGER

Indianapolis, Jan. 19.—J. H. Stevens has become Paramount branch manager here, succeeding E. J. Bernard, who died recently. Stevens has been with Paramount in Portland, Me., and in Boston. William Esch, who has been acting manager, returns to his post as city salesman. Don MacFadzen returns to the Milwaukee branch.

DESCH GOES TO GN

Kansas City, Jan. 19.—Douglas Desch, until December branch manager for G. B., has gone with Grand National as head booker, city salesman and office manager. The appointment was made by Russ Borg, branch manager. Desch, who succeeds John Muchmore, was with G. B. several years.

GETS BOOKER POST

New Haven, Jan. 19.—Sal Popolizio, former assistant shipper and poster clerk at 20th Century-Fox, has been promoted to assistant booker, replacing Helen Hanley who resigned after eight years.

ALLEN TRANSFERRED

Spartansburg, S. C., Jan. 19.—Severn Allen, formerly of Charlotte, is the new manager of the Criterion here. He succeeds Oscar Montgomery, who has been transferred to Salisbury, N. C., as manager of the Victory.

BISSELL QUITS MONOGRAM

Cleveland, Jan. 19.—Holbrook C. Bissell has resigned as sales manager for Monogram Pictures in northern Ohio. No successor will be appointed as Nate Schultz, franchise owner, will assume his duties as sales supervisor.

BISHELL RESIGNS

Seattle, Jan. 19.—Arthur Bishell, office manager for Edward Hudson's General Film Attractions exchange, has resigned. He plans to open his own exchange here.

SCHINE BOOKERS SHIFT

Cleveland, Jan. 19.—Harry Thompson and Ray Frisz, bookers for the Schine circuit, have switched territories. Frisz was northern Ohio booker, and Thompson was in Cincinnati.

DOBSON TO PREMIER

Toronto, Jan. 19.—Harry Dobson, former chief inspector of theatres for the Ontario Government, is slated to become chief projection supervisor for Premier Theatres, Ltd., Ontario circuit, operated by Jule and J. J. Allen.

ANDERSON LEAVES NTS

Oklahoma City, Jan. 19.—C. P. Anderson, former manager of the local branch of National Theatre Supply Co., has left to become associated with the Oklahoma Theatre Supply Co. here. Jacob Watkins, formerly of the Dallas branch of the National Theatre Supply, succeeds Anderson.

POWELL IS PROMOTED

Springfield, Mass., Jan. 19.—William T. Powell, district manager for Western Massachusetts Theatres, with headquarters at the Victory, Holyoke, has been promoted to assistant division manager of the circuit under Harry Smith and will be located at the home office here.

PECHNER TO PALO ALTO

San Francisco, Jan. 19.—Warren Pechner, publicity manager at the Paramount here for seven years, has been named manager of the Varsity in Palo Alto, Fox West Coast house. Al Dunn succeeds Pechner at the Paramount, where he formerly was treasurer.

JOINS WILLISTON

Indianapolis, Jan. 19.—Robert G. Hesseldenz, who has been manager of the Uptown of the Bair circuit almost a decade, has joined the Dudley Williston circuit as an assistant to Williston, who operates houses here and in Louisville.

G. N. NAMES PATZ

Cleveland, Jan. 19.—Louis Patz, former manager of Grand National in Milwaukee, has been appointed manager of the local G. N. exchange. He succeeds John Himmelein, who has left for Sarasota, Fla.

NOLAN TO YONKERS

John Nolan, former manager of the Savoy, Manhattan, has been appointed manager of the Broadway in Yonkers, replacing Al Simmons, resigned. John Gutteridge replaces Nolan.

HORN JOINING G. N.

Omaha, Jan. 19.—Fred Horn, with RKO here for the past 13 years, will become manager of the Omaha Grand National branch here, Feb. 1. He will succeed Bert Day, who will return to the St. Louis office.

LAURANT QUITS "U"

Seattle, Jan. 19.—Jules Laurant has resigned as salesman in the local Universal exchange.

"The American Way" To Open Tomorrow

After a long shutdown, the Center will reopen tomorrow when "The American Way" starts there. The play, which has a cast of 250, was written by George S. Kaufman and Moss Hart and produced by Sam H. Harris and Max Gordon. It is a story of immigration to America. Heading the list of 50 principals are Fredric March, Florence Eldridge, McKay Morris, Ruth Weston, Adrienne Marden and Hugh Cameron.

Pathe News Adding Comment in Spanish

Pathe News is inaugurating Spanish language commentaries for its releases to all accounts in Latin American countries. Heretofore, the reel has employed superimposed Spanish subtitles with the regular English narration in the Latin American market.

Americo Lugo-Romero has been engaged by the reel as its Spanish commentator. His voice is already known in Latin America through his radio work with W2XB, the CBS international station.

Walton C. Ament has been named editor of the reel, a post which he has filled since the resignation of Allyn C. Butterfield several months ago. Ament joined Pathe News a little over a year ago after having served for several years as a member of the RKO trustee's legal staff. [MOTION PICTURE DAILY published Dec. 9 that Ament would be named to succeed Butterfield.]

With Ament's appointment, the reel is dispensing with the titles of news editor and managing editor, but has named George Masterton and Adelaide Finch assistant editors.

Seeking to Expand Seattle's Vaudeville

SEATTLE, Jan. 19.—Seattle stage employes and film operators are meeting here with representatives of their industries from other parts of the Pacific Northwest to devise ways and means of bringing more stage entertainment to this sector.

Representatives of theatrical unions from this city, Vancouver, B. C., Butte, Yakima, Spokane, Olympia and other neighboring towns are included in the sessions. It is hoped that salary schedules and routes may be arranged so that some of the stage shows that will visit Los Angeles and San Francisco this summer can be brought up the coast to this territory.

Copyright Meeting Put off to Feb. 2

Meeting of the copyright committees of the various industries engaged in seeking revisions of the Federal copyright laws, which was scheduled to be held today, has been postponed to Feb. 2. The groups are still far apart on several of the proposed revisions to be recommended to Congress, indicating that the next meeting will not be a final one.

Edwin P. Kilroe of 20th Century-Fox heads the film committee.

Outdoor Pictures Staging Comeback, Ford Declares

By EDWARD GREIF

"Outdoor films with an action motif are staging a comeback and they will dominate 1939 production. Westerns are once more rising in popularity," asserts John Ford, director, who has just completed "Stagecoach" for Walter Wanger. Ford is stopping at the Ambassador for a few days, and will go to Maine early next week to assist in the settlement of his father's estate.

"Perhaps it is merely the recurring action of the cycle," Ford continues, "but there can be no doubt that the trend is away from the story which rests heavily on dialogue and toward the outdoor action type of film. After all, the western formula is the purest technique of the screen.

"Dudley Nichols, who worked with me on 'Stagecoach,' and I thoroughly enjoyed our return to the fundamentals of a good camera story."

Color is not a major factor in the outdoor film, Ford contends. "Most action shots are far more effective in simple black and white." Generally, a good action picture can be produced on lower budgets while continuing to attract plenty of patronage at the box-office, Ford says. He points out that the best proof of the rising popularity of this type of film is in the fact that every major producer either has added such pictures to 1939 production plans or has them under consideration.

Sheaffer Acquires "U" Common Shares

WASHINGTON, Jan. 19.—Acquisition in September of 2,000 shares of Universal Pictures common stock by Daniel M. Sheaffer, Philadelphia, director, through Universal Corp. was disclosed tonight by the Securities and Exchange Commission.

The S.E.C. semi-monthly summary of the transactions of officers and directors in the stocks of their corporations showed that at the end of September Sheaffer, through Universal Corp. held 230,927 shares of the company's common stock, 220 shares of its first preferred and 20,000 shares of second preferred.

The commission also reported the disposition in October of 3,000 shares of Trans-Lux Corp. common stock by H. P. Farrington, New York, director, whose holdings at the close of the month were 5,000 shares.

Operator Develops Reel Signal Device

WEST UNION, Ia., Jan. 19.—O. G. Hemmingson, projectionist for the Avalon here, has been granted a patent on his "reel end" device that signals the end of the reel and enables the operator to start the second machine and prevent the black screen showing between reels. It is being manufactured here by the Signal Manufacturing Co.

Screen 'Remous' Today

ALBANY, Jan. 19.—Screening of "Remous" ("Whirlpool"), scheduled for today before the Appellate Division of the N. Y. Supreme Court, was put off to tomorrow. The foreign film had been banned by Irwin Esmond, head of the state censor board.

Howard to Fleischer

Hampton W. Howard has been signed by Paramount to handle publicity for Max Fleischer cartoon studios at Miami. The studios are working on "Gulliver's Travels" in color.

Form Overland Film

ALBANY, Jan. 19.—Overland Film Corp. has been incorporated to deal in films and film apparatus.

Butler, Green Signed

HOLLYWOOD, Jan. 19.—David Butler has been signed by Paramount to direct Bing Crosby in "Star Maker." Paramount also signed Al Green, director, for one film.

Modern Takes Series

Modern Film Corp. has closed with Standard Pictures for exclusive foreign rights to the series of six "Headley Family" features and six "Radio Reporter Mysteries."

The Newsreel Parade

Light subjects dominate the contents of the new issues of the newsreels. A chemical balloon for detecting intoxicated persons, new uniforms for the army, bathing beauties and sea-horse racing are included. The reels and their contents follow:

MOVIETONE NEWS, No. 38—Marines sail for maneuvers. Franco's drive threatens Barcelona. King Leopold takes a day off. Airplane crash in Montana. Governor O'Daniel is inaugurated. Governor Arthur H. James takes office. Fashions in Florida. Structures in New York World's Fair. Golden Gate exposition is ready for opening. Lew Lehr. Sonia Henie ice show.

NEWS OF THE DAY, No. 236—Barcelona drive. Chamberlain leaves for Rome. Daladier reviews troops. New uniform for army. Marines leave for maneuvers. Demonstrate drunkometer. San Francisco World's Fair. Beach styles. Pro Bowl game in Los Angeles. Sea-horse racing in Miami.

PARAMOUNT NEWS, No. 49—Advance of Franco's armies. Preview of surf-side styles. Chamberlain leaves for Rome. Daladier ends tour. Hospital patients enjoy marionette troupe. Convicts start for Devil's Island. Life in French Guiana. Championship ski meet in France. Baseball stars during winter. Baseball school in Florida.

RKO PATHE NEWS, No. 53—Daladier and Chamberlain meet in Paris. Trailer-owners convene in Florida. National defense program. Billiard tournament in Chicago. Poor Richard award to David Sarnoff. Ski meet in France. Coast Guard rescue. Ice boating regatta.

UNIVERSAL NEWSREEL, No. 738—Benjamin Franklin's anniversary. Daladier in Algiers. Army's new uniforms. Drunkometer demonstrated. Beach fashions. Fiesta in Texas. Billiard championships in Chicago. Pro football game. Girls race rubber horses.

Pact Altered on M.P.T.O.A. Basis

(*Continued from page* 1)

that will be fool-proof, besides providing a compliance method.

The distributors' committee members, William F. Rodgers, Gradwell L. Sears and Abe Montague, in the Washington sessions with Allied early this week, tried to impress upon conferees, the difficulty of working out a satisfactory procedure to handle problems such as overbuying and clearance and zoning, by arbitration, with multiple distributor and exhibitor interests involved.

The distributors' representatives suggested to Abram F. Myers, Allied counsel, that he might be able to offer some ideas on a fool-proof arbitration plan. Myers is understood to be working now on such a plan through the Allied committee.

Ask to Study Plant In 20th-Fox Action

Application will be made today to N. Y. Supreme Court Justice Aaron J. Levy to inspect the film storage plant of 20th Century-Fox Film Corp. at Little Ferry, N. J., and to examine into the methods of conducting business at the plant, in reference to a suit for $60,000 damages against 20th Century-Fox. The plaintiffs, Anna Greeves and George Greeves, individually and as administrator of the estate of John Greeves, charged the defendant with negligently causing a fire at the plant on July 9, 1937.

Nebraska MPTO to Fight Assessments

OMAHA, Jan. 19.—Charles E. Williams, president of the M.P.T.O. of Nebraska and Western Iowa, has declared that definite plans to fight legislation proposed in Nebraska for the licensing of distributors and assessments of $1 per reel on all films would be disclosed soon.

He will confer with other officials and declined to comment specifically until after the conferences.

Dismiss Ascap Suit

TULSA, Okla., Jan. 19. — Suit of David Milstein, Ascap representative, against William Stricker, Sand Springs, Okla., theatre operator, has been dismissed here. The Ascap representative had asked $500 damages for the alleged playing of the songs "Sweet Sue" and "Bye, Bye Blues" in Stricker's theatres without his having paid the score charge.

Doorman, Aged 86

Cincinnati, Jan. 19.—Frank Maffey, doorman at the Royal, downtown subsequent unit of Associated Theatres, is believed to be one of the oldest men in the country to hold a position of that kind.

Maffey will be 87 years old in July, and has been on the job daily for 28 years. He started with the Royal in 1911 "to keep from rusting and growing old" after having given up his previous work.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Dec. 16	Strange Case of Dr. Meade *Jack Holt* California Frontier (O)	A Christmas Carol (G) (D) *Reginald Owen Terry Kilburn*	I Am a Criminal (G) (D) *John Carroll Mary Kornman*	The Frontiersman (G) (O) *William Boyd* (3856)	Red River Range *3 Mesquiteers*		Down on the Farm (G) (C) *Jones Family* (920)		Swing, Sister, Swing *Ken Murray* Ghost Town Riders (O)	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	The Long Shot (G) (D) *Gordon Jones Marsha Hunt* (Jan. 6)
Dec. 23	There's That Woman Again (G) (C) *Douglas Bruce*	The Girl Downstairs (G) (C) *Tone Gaal Connolly*	Wild Horse Canyon (G) (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds (G) (D) *Fredric March Joan Bennett*	Newsboys Home *Jackie Cooper Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn Rathbone*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Dec. 30	Smashing the Spy Ring (G) (D) *Fay Wray Ralph Bellamy*	Sweethearts (G) (M) *MacDonald Nelson Eddy*	Tough Kid (G) (D) *Frankie Darro Judith Allen*	Artists and Models Abroad *Jack Benny Joan Bennett* (3817)	Federal Man Hunt *Livingston Travis*		Kentucky (G) (D) *Loretta Young Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard Joan Fontaine*		Going Places (G) (C) *Dick Powell Anita Louise*	
Jan. 6 1939	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor Wallace Beery Florence Rice*		Disbarred (G) (D) *Gail Patrick Otto Kruger* (3818)	Fighting Thoroughbreds (G) (D) *Ralph Byrd Mary Carlisle*	Pacific Liner *McLaglen Chester Morris Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	Trigger Pals (G) (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X (G) (C) *Michael Whalen Mary Hart*	The Great Man Votes (G) (C) *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein (G) (D) *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Exile Express *Anna Sten* (Jan. 20)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*		Drifting Westward (O) *Jack Randall*	Ambush (G) (D) *Swarthout Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	Ride 'Em Cowgirl (G) (O) *Dorothy Page* (Jan. 20)
Jan. 27	Lone Wolf Spy Hunt *Warren William Ida Lupino*	Idiot's Delight *Shearer Gable* Four Girls in White	Sundown on the Prairie (O) *Tex Ritter*	Paris Honeymoon (G) (C) *Bing Crosby* Boy Trouble *Ruggles*	Pride of the Navy *James Dunn Rochelle Hudson Gordon Oliver*		Jesse James (G) (D) *Tyrone Power Henry Fonda* (921)	Stagecoach *Claire Trevor John Wayne Andy Devine*		King of the Underworld *Kay Francis Humphrey Bogart*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 3		Honolulu *Eleanor Powell Robert Young*		St. Louis Blues *Lloyd Nolan Lamour Guizar*	Woman Doctor *Inescort Wilcoxon*	Fisherman's Wharf *Bobby Breen Henry Armetta Leo Carrillo*	The Arizona Wildcat (G) (C) *Jane Withers Leo Carrillo*	Made for Each Other *Lombard Stewart*	Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	
Feb. 10	Texas Stampede *Starrett Meredith*	Huckleberry Finn (C) *Rooney Connolly*	Navy Secrets *Fay Wray Grant Withers*	One Third of a Nation *Sylvia Sidney Leif Erikson M. Hutchinson*	Home on the Prairie (O) *Gene Autry*	Boy Slaves *Anne Shirley Roger Daniel*	Tail Spin *Alice Faye Constance Bennett Charles Farrell*		The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne deHavilland George Brent*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
Feb. 17		Fast and Loose *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	King of Chinatown *Anna May Wong Tamiroff*	Forged Passport *Paul Kelly June Lang Lyle Talbot*		The Three Musketeers *Don Ameche Ritz Bros. Binnie Barnes*		You Can't Cheat an Honest Man *W. C. Fields*	Nancy Drew, Reporter	

Radio Personals

FRED WEBER, general manager of Mutual, back from Chicago today. . . . Dorothy Gordon of the Kellogg children's program to Washington today to address the General Federation of Women's Clubs on radio and the child. . . . Announcer Harry Von Zell sick with grippe and unable to appear on his programs. . . . William Robson, director of the CBS "Workshop" series, has accepted a BBC invitation to go to England to direct several radio plays, and will leave next month. . . . John Kane, page boy at CBS Playhouse, No. 4, has been promoted to manage the house. . . . Benay Venuta back on Mutual this Sunday after a week away from the mike. . . . Hyla Kiczales, general manager of WOV-WBIL has been appointed to the World's Fair Advisory Committee.

✚

Lou Ruppel, Columbia's new publicity director, leaves for Chicago today to straighten out personal matters and bring his family to New York. Formerly he was managing editor of the *Chicago Tribune* . . . Jack Stapp, assistant program director at CBS, to Nashville for a week's vacation, starting Feb. 4.

✚

Jackson Teagarden, trombonist in Whiteman's band, will form his own unit. . . Bunny Berrigan will disband his own orchestra to replace Harry James in Benny Goodman's crew. James is leaving to form his own orchestra. . . . Max Jordan, NBC Central European representative, has returned to the Continent.

✚

Pick and Pat are going on vacation, with Pick to Florida on a fishing trip and Pat to Memphis to golf and visit friends. . . . H. V. Kaltenborn, Ed Murrow and Maurice Hundus, CBS "Big Three" during the Czech crisis, will broadcast on "What's Next in Europe" today. . . . Frank Capra will direct the first all-dramatic Screen Actors' Guild program on Jan. 22, "Can We Forget," in which will appear Bette Davis, Bob Montgomery and Basil Rathbone. . . . Howard Chinn, engineer in charge of the audio division of CBS general engineering department, is on leave to act as technical consultant to the American Record Corp., the new CBS affiliate.

Sign First Feminine Television Director

Television's first woman program director, Thelma A. Prescott, has been added to the staff of NBC. Miss Prescott will produce fashion shows and other programs with appeal to women. NBC will be on the air next spring with television programs. Miss Prescott recently arrived here from Paris, where she worked on the *Paris Tribune*.

North Carolina Bill Would Tax Stations

RALEIGH, N. C., Jan. 19.—Representative Taylor has introduced a bill in the North Carolina legislature to place a franchise tax on all radio broadcasting stations.

Calls Television Ready for Public

(*Continued from page* 1)

was being suppressed, the witness explained there is no suppression except to the extent that when television is adopted it will "freeze" the art and care must be exercised not to bring it out too quickly and before it is properly organized. Personally, he added, he is of the belief that the care was carried too far.

Answering the Senator's questions as to the development of home receivers, Farnsworth said they now have been so standardized that they will pick up any of several types of transmissions, while broadcasting has been so far perfected that both studio and outdoor scenes can be sent without flicker and with the clarity of motion picture.

So far as patents are concerned, however, while it is necessary to use the patents of at least three companies in the production of television equipment, no difficulty has been encountered in obtaining licenses and no effort has been made either to control the industry or fix prices.

Without the present patent system, he declared, there would be little hope of starting enterprises of the character of television "because it takes too much money and you must have some protection." Asked about compulsory licensing of patents, he said the value of patents would be so decreased that inventors might as well not have them.

Finch Is Guest of Crosley at Dinner

CINCINNATI, Jan. 19.—W. G. H. Finch, who developed the facsimile radio broadcasting method which bears his name; Frank R. Brick, of Finch Telecommunications Laboratories, New York; engineers and staff members of WLW, and representatives of stations licensed to use the Finch equipment, were guests of Powel Crosley, Jr., president of the Crosley Corp., at a dinner at the Hotel Gibson.

Station representatives attending were: Leonard Kapner, WCAE, Pittsburgh; P. A Loyet, WHO, Des Moines; Hector Skifter, KSTP, St. Paul; H. H Buttner, I. T. & T., New York; Harry Stone and J. H. DeWitt, Jr., WSM, Nashville; C. H. Wesser, WWJ; Detroit; E. L. Gove, WHK, Cleveland; C. J. Meyers, E. M. Antrim and Keith Masters, WGN-Mutual, Chicago; Theodore Streibert, WOR-Mutual, New York, and Fred Weber, NBC.

Sign Jemail for New WOR Sidewalk Show

Jimmy Jemail, *Daily News* Inquiring Reporter has been signed for a new series of sidewalk interview programs to be broadcast Wednesday and Thursday from 7:15 to 7:30 P. M. over WOR. Wilbert Products Co. will sponsor. The contract is for one year.

Two new programs which will appear on WOR are transcribed shows—for Chappell Bros., Sundays at 10:45 A. M. and for the Borden Milk Co., Tuesdays and Wednesdays, the latter through Batten, Barton, Durstine & Osborn.

Additionally, Bulova Watch Co. has just placed an extensive time signal schedule, through the Biow agency.

Anthem on WNYC

WNYC, Municipal broadcasting station, will open and close its broadcasting day from now on with a recorded vocal chorus of "The Star Spangled Banner" so that New Yorkers may become more familiar with the words of the national anthem.

Parent Group Cites 12 Child Air Shows

United Parents Association has selected a dozen children's programs for merit citation, of which five are on WOR-Mutual, three on CBS, and four on NBC, two each over the Red and Blue networks.

The selected programs for Mutual are "Answer Man," "What's My Name?," Dorothy Gordon children's hour, "Johnson Family," and Stan Lomax's series. The others are "Uncle Jim's Question Bee," NBC; Ireene Wicker, NBC; Malcolm Claire, NBC; Paul Leyssac's fairy tales, NBC; "Let's Pretend," CBS; Philharmonic broadcasts for children, CBS, and "March of Games," CBS.

8 Short-Wave Units Available for CBS

Eight short-wave stations located in sites covering the coast-to-coast area will be available for experimental use by CBS following the inauguration on Feb. 1 of W6XDA, new CBS international station.

The short-wave and ultra short-wave stations now owned, operated or affiliated with CBS include W2XE, New York; W3XAU, Philadelphia; W2XDV, New York; W9XHW, Minneapolis; W6XDA, Los Angeles; television station W2XAX, New York; W1XAL and W1XX, Boston.

Drops Injunction in 'Perfect Crime' Suit

Monroe B. LeVoy, plaintiff in a suit for an injunction, accounting and $25,000 damages against National Broadcasting Co., Philip Morris & Co., Ltd.; Biow Co., Inc.; Milton H. Biow and Jack Johnstone, has withdrawn his application in the N. Y. Supreme Court to restrain the defendants from broadcasting a series, "The Perfect Crime," over WEAF. LeVoy claimed plagiarism of the series from one allegedly conceived by him in August, 1938.

WFIL Suit to Referee

Federal Judge Murray Hulbert has referred the application of WFIL Broadcasting Corp. to dismiss a $50,000 damage suit of Donald Withycomb, its former manager, to a referee to determine the question of jurisdiction. Withycomb claimed that he was "wrongfully discharged" as manager, after entering a contract in May, 1937.

Playing Radio Film

OMAHA, Jan. 19.—"Radio Goes to the Fair," a film by WOW's special events department, has been booked in 200 midwest picture houses. The films were taken at the Iowa and Nebraska state fairs.

N.Y. AFRA Local Votes for Strike; Others to Act Later

(*Continued from page* 1)

out of the studios, it will be the signal that the strike is on.

Two paramount problems which may be obstacles to a complete tieup of programs—those of contract obligations and support by the American Federation of Musicians were discussed by George Heller, assistant executive secretary. As to contractual obligations, he said these would have to be handled individually in the same manner as by the Actors Equity in its famous strike and by the Screen Actors' Guild, which surmounted this problem.

Negotiations with the musicians are still under way, he explained.

Messages of support were delivered by the leaders of most of the branches of talent unions, including Frank Gilmore, A.A.A.A.; Ralph Whitehead, A.F.A.; Paul Dulzell, Actors' Equity; Ruth Richmond, Chorus Equity; Mrs. Florence Marston, S.A.G.; and Leo Fisher, American Guild of Musical Artists.

Wires from Hollywood names were received encouraging the local to action and promising support. Among such were messages from Ralph Morgan, Eddie Cantor, Jack Benny, Bob Burns, Dorothy Lamour, Tyrone Power, George Arliss, Edwin Arnold, Robert Young, Warren Hull, Gene Raymond and Jean Hersholt.

FCC Calendar

WASHINGTON, Jan. 19.—The Federal Communications Commission has announced broadcasting hearings, as follows:

Jan. 20: Applications of WRR, Dallas, for increase of power from 500 to 1,000 watts; and KAND, Corsicana, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day.

The commission has ordered hearings on the application of the Don Lee Broadcasting Co. for a new television station in San Francisco.

Hearings were also ordered on the applications of Lawrence J. Heller for a new synchronous station to operate on 1,310 kilocycles with a power of 10 to 100 watts if his application for a new 1,310-kilocycle station in Washington is granted, and KSCJ, Sioux City, Ia., for increase of night power from 1,000 to 5,000 watts.

Hearing on the application of Yuba-Sutter Broadcasters for a new 1,320-kilocycle, 250-watt station at Marysville, Cal., has been set for Jan. 27.

The commission also announced that on Feb. 27 a hearing will be held on the application of WHLS, Port Huron, Mich., for extension of time from day to unlimited with 100 watts power night, 250 watts day, and that a hearing would be held April 18 on the application of WJBW, New Orleans, for extension of time from sharing to unlimited.

Form N. C. Radio Firm

RALEIGH, N. C., Jan. 19.—North Carolina Radio Corp., with an authorized capitalization of $500,000, has been chartered to broadcast by radio or television.

"TRADE WINDS" RECEIPTS SOAR HIGHER AND HIGHER

CHICAGO Three smash weeks Roosevelt Theatre. Second week $2,000 bigger than first week.

CINCINNATI Biggest United Artists gross at Palace Theatre in recent years.

DENVER Four weeks continuous first-run at Denver, Rialto and Aladdin Theatres.

HARTFORD Strand Theatre...138% of average.

HOUSTON Majestic Theatre... Top gross for last ten months.

MILWAUKEE Warner Theatre... TRADE WINDS biggest non-holiday opening in more than one year.

NEW HAVEN Roger Sherman Theatre... Hits 145% over average weekly receipts.

PORTLAND, ORE. Broadway Theatre... First week $2,000 over average. Second week... hits new seasonal high.

ATLANTA Grand Theatre... In three days tops average gross for entire week.

SYRACUSE ... Loew's Theatre... 154% of average biggest United Artists opening of current season.

PHILADELPHIA Aldine Theatre... played 23 days continuous first-run at Aldine and Keith theatres.



WALTER WANGER *presents*

FREDRIC MARCH · JOAN BENNETT

TRADE WINDS

RALPH BELLAMY · ANN SOTHERN · SIDNEY BLACKMER · THOMAS MITCHELL · ROBERT ELLIOTT

a TAY GARNETT PRODUCTION Released thru UNITED ARTISTS

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 15 NEW YORK, MONDAY, JANUARY 23, 1939 TEN CENTS

Moss Brings Pressure to Smash Games

Calls Meeting to Start Staten Island Test

Indications are that License Commissioner Moss may ask Mayor La Guardia and Police Commissioner Valentine to interest themselves in his effort to rid Greater New York of cash games and giveaways in theatres, churches and clubs.

As the first step in this direction, he has called a meeting of Staten Island organization and church leaders for next Friday at 2:30 P. M. The Commissioner will ask them to abandon cash giveaway games. Operators of the 14 theatres on the Island already have agreed to a voluntary ban of the practice provided the non-theatrical opposition does so.

Will Ask Pledge

Commissioner Moss pointed out that non-theatrical places running Bingo and similar parties are licensed by the city. Declaring that he has obtained agreement from the exhibitors' committee to a city-wide ban, he said that a similar pledge will be sought from clubs, churches and the like.

"If they don't do it voluntarily, we will have to take police action," he stated.

Commissioner Moss over the weekend sent letters to the six organizations and one church conducting games on Staten Island, calling them to Friday's conference. The Island has been selected by the Commissioner as the proving ground of the proposed elimination. The test is expected to indicate a method for applying the city-wide ban.

Commissioner Moss, who has been attempting to stamp out chance games for three years, said he has been commended by the New York Federated Churches and civic groups for his efforts. He regards cash games as illegal.

Giveaway Study

In this issue *Motion Picture Daily* begins publication of a survey which it has made on chance games and giveaways around the country. *Motion Picture Daily* invites reader comment on this subject.—Page 10.

No Queries, Please

In the event that a bill is introduced in Congress for a Government short-wave station, RCA and NBC will parry newspaper queries by stating that it is a matter for Congress and the Government to decide and that as far as the broadcasting industry is concerned it will be a question on which the industry, through the National Association of Broadcasters, will take a position. RCA advisory board agreed on this policy at its recent meeting.

Producers to Be Requested to Make Picture at Fair

Picture companies will be asked again by a committee of World's Fair officials to make a feature picture on the fair grounds, according to a three-part plan adopted at a meeting of officials and artists of the amusement industry held on Friday in the Terrace Room of the World's Fair. The meeting was called by John Golden, chairman of the fair's advisory committee on entertainment.

Personnel of the committee will be decided upon by Grover A. Whalen, Golden and Lenox Lohr. The latter, NBC president and formerly director of Chicago's Century of Progress Ex-

(*Continued on page 4*)

THREAT OF RADIO WALKOUT FADES

Korda Will Make Six Features for Release by U. A.

Following a meeting between Alexander Korda and Maurice Silverstone, operating head of United Artists, on the coast, it was disclosed here that Korda will make six films during 1939-40, two of them in Hollywood. Production on the new season's schedule will start as soon as "Four Feathers," now in production in London, is completed. Korda was to arrive in New York by plane today.

Four of the six films will be done in color. "Thief of Bagdad" will be the first. It will be followed by "With Lawrence in Arabia," "Jungle Book," "The Conquest of the Air" and two undetermined stories in which Merle Oberon will star.

Harry Gold, U. A. eastern general sales manager, left Saturday morning on a special trip to Boston. He conducted a sales meeting there over the weekend with members of the New England division of the company.

U. S. Conciliator Named; Agencies Show Sign Of Weakening

By JACK BANNER

Prospect of a nationwide radio strike appeared to be greatly diminished today as a consequence of the appointment by Secretary of Labor Frances Perkins of a Federal conciliator to mediate the strike. Another hopeful sign of peaceful settlement was the action of Blackett-Sample-Hummert, the largest employers of talent in the radio advertising agency field, in declaring that it regards the minimum rates set forth by the Advertising Agency Association of America as too low, and expressing a willingness to meet with A.F.R.A. to fix a "fair rate" of talent payment.

Meanwhile, unmindful of these hopeful rays, the divisions of A.F.R.A. in Chicago, Los Angeles and San Francisco carried out the determination of the New York delegate of radio actors by emulating New York's decision to strike rather than to accept the minimum wages set forth recently by the A.A.A.A. Chicago ballotted Friday evening, Los Angeles on Saturday, and San Francisco last night. The vote in each city was unanimously for a strike unless the A.A.A.A. accepted A.F.R.A.'s fair practice code, and adjusted salaries upward.

C. J. Post Conciliator

Charles J. Post, a commissioner of conciliation for the United States Labor Department, is the mediator designated to seek settlement of the controversy. Post conferred on Saturday with Paul N. Turner, counsel for A.F.R.A., and with members of the A.A.A.A. He will report to Mrs. Perkins today with the issues placed forth by both sides.

Frank Hummert, New York head of Blackett-Sample-Hummert, in a letter made public Saturday revealed that his company favors granting greater salaries than the A.A.A.A. has proposed.

Two other advertising agencies issued letters to their performers the past weekend. These are Compton Co. and Young & Rubicam.

Meanwhile a meeting of the national board of AFRA is expected to be held late tonight or some time tomorrow.

Additional developments in radio on page 12.

Court Upholds Loew Board; Denies Contract Injunction

Supreme Court Justice Louis A. Valente, in a 25-page opinion handed down on Friday, upheld the conduct of the board of directors and officers of Loew's and denied the application of Loew's minority stockholders for an accounting, judgment for waste and for excessive salary and bonus payments and an injunction to restrain continuance of personal service contracts. At the same time the court, stating that it "does not involve any fraudulent acts on the part of any defendant but an error of construction of the contract," directed certain deductions estimated at about $500,000 total from sums due to Nicholas M. Schenck, Louis B. Mayer, David Bernstein, J. Robert Rubin and the estate of Irving Thalberg for over payments due to incorrect accounting estimates.



N. M. Schenck



David Bernstein

The opinion, which first outlined the history of Loew's since its inception, stated that any claim of fraud, misrepresentation or waste was refuted both by a study of its history and the "undisputed evidence as to the

(*Continued on page 4*)

Purely Personal

R. E. ANDERSON, former financial vice-president of Paramount and more recently associated with Tri-National Films, has resigned from the latter company to become financial adviser to the Maritime Commission in Washington.

•

ADOLPH ZUKOR, JOHN W. HICKS, DAVID ROSE and C. J. DICKINSON, having completed a tour of Paramount's British exchanges, are now in Ireland inspecting company operations there.

•

ALEXANDER KORDA is due in from the coast by plane today. EMANUEL SILVERSTONE and IRVING ASHER will arrive by train. The latter will accompany Korda to London when he sails next Saturday.

•

HARRY BUXBAUM, New York branch manager for 20th Century-Fox, was given a surprise birthday party at his home in Long Island Thursday evening.

•

OSCAR MORGAN, Paramount southern division manager, is house hunting, planning to move his family here shortly from Atlanta.

•

GABY MORLAY and JACQUES CATELAIN, French players, sailed Saturday for Paris with their troupe following a Canadian tour.

•

WILLIAM KEIGHLEY has returned to Hollywood from Wisconsin where he has been gathering background material for Warners' "Each Dawn I Die."

•

SYDNEY CHAPLIN has arrived in Hollywood from abroad to assist in the production of CHARLIE CHAPLIN'S new picture, "The Dictator."

•

LEON SCHLESINGER, producer of Warner cartoons, left New York last night for Chicago from where he will go to Hollywood.

•

BRUCE CABOT has arrived in New York for a short vacation after completing his role in Warners' "Dodge City."

•

ARTHUR PEARCE, formerly associated with EDDIE DOWLING, is now press agent for Manny Wolf's Restaurant.

•

ERROL FLYNN is scheduled to arrive in New York today from the coast for a two-week holiday in the east.

•

SIR WILLIAM WISEMAN of Kuhn, Loeb & Co., sailed Saturday for London.

•

LOUIS PHILLIPS is due back at his office today from Newburgh.

•

ALEC MOSS is vacationing in Florida.

Tom Ricketts Dies

HOLLYWOOD, Jan. 22.—Tom Ricketts, veteran producer, actor and director, died here Friday at the age of 86. He came to Hollywood with David Horsley to form the old Nestor company.

Insiders' Outlook

By SAM SHAIN

SONJA HENIE'S deal with Madison Sq. Garden calls for a 70-30 split. She receives 70 per cent of the gross, and on the week she stands to get more than $100,000. The expected gross, and there are no matinee performances, is estimated at more than $200,000. The show is selling out at every performance. Miss Henie's 70 per cent is inclusive of compensation for the entire troupe, which she pays.

▼ ▼

That Italian film situation has taken a peculiar turn. Resident trade agents in New York, presumably representing the E. N. I. C., the film distributing monopoly of the Italian Government, have approached independent producers and distributors on film deals. Officials of independent companies are not discussing the matter. Whatever conferences have been held are described as "exploratory." No terms have been mentioned.

▼ ▼

Soon there may be in radio a commentator code comparable to the production code now followed in the film industry. The purpose of this commentator code, which is now being discussed among certain of the more careful radio people, is to remove from broadcasting the purely gossip type of commentating, particularly objectionable material of a personal nature, such as is employed by some of the networks' film commentators. These lads intend to organize themselves into a group from coast to coast and to set up a code of ethics to guide the type of comment, so as not to bring unnecessary injury to individuals or groups.

▼ ▼

In Argentina, now, they have prohibited the importation of film advertising matter. It is a strange act, but the Argentine explanation is that the law has been adopted in the interest of aiding the native printing and lithographing trade. Under this new Argentine law, all forms of foreign-made advertising are banned. There is one exception. The edict does not embrace trailers in the film accessories line.

▼ ▼

They were shooting a picture in the Grand Central Terminal at 3:30 A. M. Friday. About 100 extras were seated or standing about. Redcaps milled around the lighted area. At quick intervals one of them would start across the space reserved for extras. Two station policemen were busily engaged trying to keep the redcaps from walking into this reserved area. The boys were trying to get into the picture.

Late commuters on their way home, who didn't know what all the shooting was about, and seemed to care less, peculiarly enough, skirted around the kliegflooded area of the rotunda to keep out of the picture and get the warm, milk-train seats to settle down for their matutinal snoozes. The big moment of amazement for the regular redcap force came when a retinue of well-groomed colored gentlemen in bright, shiny uniforms flanked a large man with red face, and brief case, who was emerging from the shadows around Gate 25.

▼

Of course, those "baggage smashers" who were with him were not regular redcaps. They were extras. Some of the extra girls were seated on the baggage room counters, swinging their silk-clad legs, and men extras seated along the racks beneath the ticket windows.

Instead of "Camera, lights, action!" the assistant director said "Let's go!" There was no megaphone and no beret. His trousers were baggy, his hat slouched, and he wore a nondescript sweater.

▼

A girl with a purple hat dashed out madly from an archway to the information booth. Evidently she was on the wrong side, for she reeled around, reversed herself at the strident cry of the assistant director, "Wrong side! Get over on the other side." Then a tall, gray man walked into the lighted area as if he were looking for an incoming passenger.

At that moment, without any noticeable sign or signal, the kliegs faded slowly and the rotunda took on again its familiar early morning appearance. The scrubwomen waddled through on their way to the offices which they were to tidy, and the night workers plodded their weary way across the station out into the cold air. The stars in the terminal dome resumed their pale glow as the artificial lights faded. "Hollywood" retired and the Grand Central was again part of the New York scene.

RKO Re-Signs McLaglen

HOLLYWOOD, Jan. 22.—RKO today signed Victor McLaglen for one more picture.

Col. Signs Ruggles

HOLLYWOOD, Jan. 22.—Columbia has signed Wesley Ruggles to a producer-director contract.

No New Shows on B'way This Week

No new shows are scheduled to open this week on Broadway legitimate stages. Maurice Evans' revival of "Hamlet" closed on Saturday with 96 performances, just short of the 100 mark for which most revivals of the melancholy Dane strive. Although the Evans show was still doing a first-rate box-office business, other commitments forced termination of the run.

Total of 25 still remain on the boards, of which two, "Tobacco Road" and "Pins and Needles," are holdovers. Dearth of hits is still puzzling the Rialto. The season has not been lacking in productions, but the survival rate has been unusually low.

Only 12 new dramatic pieces are among the survivors. Additionally, there are three revivals, two plays based on novels, four based on other dramatic works, and two new revues. "The Primrose Path" is a dramatization of "February Hill" by Victoria Lincoln, and "Mamba's Daughters" is taken from a novel of the same name by DuBose Heyward. "Tobacco Road," now in its sixth year, was also adapted from a novel of the same title.

Revivals include "The Importance of Being Earnest," "Outward Bound" and the Gilbert & Sullivan operettas. "Leave It to Me" is a musical adaptation of "Clear All Wires." "I Married An Angel" is based on the play by John Zaszary with music added. Thornton Wilder wrote the adaptation of Johann Nestroy's Austrian classic, "He Will Be the Devil of a Fellow" to make "The Merchant of Yonkers." "The Boys From Syracuse" is based on Shakespeare, with modern dialogue added. "Where There's a Will," based on Sacha Guitry's "Le Nouveau Testament," closed Saturday after seven performances.

Soskin Asks Extension

LONDON, Jan. 22.—Simon Soskin and Amalgamated Studios have asked the court for an extension of the option to redeem the mortgage on the studio. McAlpine & Sons opposed, claiming there is no likelihood of a sale by Soskin. It is believed the War Office is interested in the land and buildings.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

DRAMATIC...



It's a DAVID O. SELZNICK stroke of showmanship to make Lombard go dramatic!

CAROLE LOMBARD • JAMES STEWART

in *"MADE FOR EACH OTHER"*

Directed by JOHN CROMWELL • *Screen play by* JO SWERLING

presented by SELZNICK INTERNATIONAL

RELEASED THRU UNITED ARTISTS

Southeastern Unit Accepts Pact in Part

Nine of 16 articles in the distributors' trade practice program were accepted without change by the Southeastern T. O. A., an M. P. T. O. A. affiliate, six were singled out for modification or clarification and one was rejected in entirety, it was shown in a report submitted by the organization to the M. P. T. O. A. executive committee. The report is characteristic of those received from other M. P. T. O. A. units.

Article 14, relating to the return of "false" reports on box-office receipts for percentage bookings, was rejected in its entirety. Articles accepted without change include those on trade announcements, exhibitors limited playing time, runs and existing customers, forcing of shorts, newsreels or trailers, picture allocations, non theatrical competition, forms of license agreement, selective contracts and playing of pictures in order of release.

Suggested Changes

Suggested changes include a 21 instead of a 10-day period for notifying distributors of intention of cancelling an available picture, and 21 instead of 14 days for giving notice of picture rejections on grounds of community offensiveness, both applying to Article 1, covering cancellation. In Article 4 on preferred playing time, 10 days instead of five days is asked for giving notice that the exhibitor regards a designated picture unsuitable for the playing time designated.

Simplification of the score charge article and Article 13, on acquisition of theatres, is asked. Article 15, on arbitration, is accepted subject to working out details of the procedure by exhibitor and distributor negotiating committees. Simplification of Article 16 on effective date of the program is also suggested.

W. C. Moore, president of the Southeastern M. P. T. O., notes in his report: "It was the consensus of opinion that the proposals offered by the distributors should be accepted when put in final form, with the distinct understanding, however, that acceptance of any of the distributors' proposals is not to be considered settlement of M. P. T. O. A.'s demands, but that they are being accepted for trial and as a compromise of the M. P. T. O. A. 10-point program."

"It was the consensus of opinion," the report concludes, "that the distributors' proposals were a step forward in the direction of industry harmony and that exhibitors of these southeastern states should cooperate with the distributors as outlined above to promote better industry relations."

Allied Leaders Leave

Allied leaders who were in town from the Washington board meeting left over the weekend. Col. H. A. Cole, newly elected president, left yesterday for Chicago en route to his home in Dallas. Others were W. A. Steffes, Benny Berger and Judge J. P. Devaney of Northwest Allied, Jack Kirsch and Ed Brunell of Chicago, and Pete Wood of Columbus.

Para. to Redeem Bonds on Feb. 20

Paramount has set Feb. 20 as the date for redemption of $5,000,000 of its six per cent debentures, as authorized recently by the company's board of directors. The debentures to be redeemed were drawn by lot and will cease to bear interest after the redemption date.

Calling of the debentures leaves $4,500,000 of the six per cent issue still outstanding of an original issue of $26,500,000. The remainder was either purchased by the company in the open market or exchanged by holders for the new 3½ per cent debentures. The February redemption will effect an annual interest saving of $300,000.

To Ask Producers For Picture at Fair

(Continued from page 1)

position, has been appointed chairman of a special committee to develop ideas for the amusement area of the fair. The commitee will go to Hollywood to talk with studio officials.

Three resolutions were adopted at the meeting to strengthen the amusement features of the fair. One authorized the appointment of a committee to confer with film producers to arrange production of a complete film on the fair grounds. A second calls for the formation of plans to stage legitimate productions and vaudeville in the fair, and the third for appointment of a committee to induce sponsors to broadcast from the fair grounds.

The meeting was attended by Edward G. Robinson, William A. Brady, Harry Richman, Frank Gillmore, Gene Buck, R. H. Burnside, Vinton Freedley, Eddie Dowling, John Johnstone, Martin Beck, William Jaffe, Max Gordon and others.

Para. Cancels Raft's Pact in Story Tiff

HOLLYWOOD, Jan. 22.—Paramount has canceled George Raft's contract for failure to accept a part in "The Magnificent Fraud." He was replaced by Lloyd Nolan. Raft thus ends eight years with the studio, the last two years being marked by three tiffs over casting. He recently completed "The Lady from Kentucky."

Technical Awards Nominations Sought

HOLLYWOOD, Jan. 22.—Letters have gone out to all studio technical department heads, equipment makers and development companies requesting nominations for the scientific and technical awards to be made by the Academy of Motion Picture Arts and Sciences. The nominations will be considered this year by the Research Council instead of by a special board.

'Remous' Decision Later

ALBANY, Jan. 23.—The Appellate Division reserved decision on "Remous" ("Whirlpool"), foreign film banned by the N. Y. state censor, after it was screened for them Friday. Arthur Garfield Hays made a plea in behalf of the picture.

'U' Signs Boyer For Durbin Film

Hollywood, Jan. 22.—Universal has signed Charles Boyer to play opposite Deanna Durbin in "First Love." It will follow immediately after "Three Smart Girls Grow Up," now shooting. Henry Koster will direct and Joe Pasternak produce.

Loew's Board Is Upheld by Court

(Continued from page 1)

scale of wages in the industry generally, the scarcity of talent to fill positions of producers and executives, and the intense competition among the companies for their services."



Louis B. Mayer

"Moreover," Justice Valente said, "the new personal service contracts which went into effect on Dec. 31, 1938, were favored by such an overwhelming majority of stockholders as to indicate their confidence in the management's policy of generously rewarding talent, and attributes the continuous success of Loew's, Inc., throughout the years, including even the depression, to this policy."

The court was fulsome in its praise of Schenck, stating that it was convinced as to the sincerity of his testimony. "In the last ten years in which he has been the executive," the opinion stated, "it must be conceded that his executive control has been of exceptional character." The success of the company was in large part due to his ability and "diplomatic skill," it continued. Weight was also given by the court to the statement of Sidney R. Kent that he would hire any of the men whose contracts were attacked for equal compensation.



J. R. Rubin

Justice Valente discounted the argument that the actions of the board of directors were concealed from the stockholders and also upheld the board in its computations on foreign business. He refused to hold the board chargeable for overpayments made to Schenck, Bernstein, Rubin, Mayer and the estate of Thalberg, stating that they were made on a "fair difference of opinion." However, losses from Loew's Ohio Theatres, Chippewa Theatres and the amount paid to Thalberg's estate should have been deducted from the base upon which bonuses were estimated, he said, and ordered repayment to the corporation of these overpayments.

Commenting on the opinion Schenck said:

"I am, of course, delighted that the court has exonerated our board of directors, and that the profit-sharing contracts have been approved. I can only repeat what I said in my letter to the stockholders on December 30, 1937, that 'I have no hesitancy in saying to the stockholders that, in my opinion, the approval of these contracts will be in the best interests of the company and its stockholders.'

"As to the relatively minor respects in which the court has found that I and four other executives were inadvertently overpaid in 1934 and 1937, I feel sure that none of our executives would desire to retain any money which they had received through mistake of law. However, we will have to be guided by counsel as to the correctness of the decision on that point."

Emil K. Ellis, chief counsel for the plaintiffs, stated, after being informed of the decision, that he could not comment on the question of appeal until he had "digesteed the opinion."

Suit was started in January, 1938, and trial lasted for almost four weeks before Justice Valente. Nine actions which had been consolidated were tried simultaneously.

Joseph M. Proskauer, ex-judge of the Appellate Division, and J. Alvin Van Bergh represented the defendants.

Ohio Exhibitors Get No Tax Rise Pledge

COLUMBUS, Jan. 22.—Ohio exhibitors found additional cheer in the question of future taxes when Gov. John W. Brickers again emphasized his stand in the matter.

"This administration is pledged to no increase in taxes," he said. "Taxpayers have been overtaxed. With efficient and economical administration of revenue-producing instrumentalities of the government, coupled with stringent economics in administration, our financial dilemma can be met without any increase, but probably an ultimate decrease in taxes."

Pre-inaugural opinion had prevailed that the legislature would be inclined to reinstate the previous 10 per cent admission tax to replace the existing three per cent impost.

Warner Sales Drive Up 15% Over 1937

Reports on the first quarter of the Warner Sears sales drive show an increase of 15 per cent over a similar period last year. Fred Jack, southern district manager, and Rud Lohrenz, midwestern district head, are in New York for conferences with Ben Kalmensen, western and southern sales manager, on plans for the remaining 13 weeks of the drive.

Ben Washer Goes With George Abbott

Ben Washer, who resigned as publicity manager of United Artists on Friday, has accepted the position of general press representative for George Abbott Productions. He will handle Abbott's productions of "The Boys from Syracuse," "Primrose Path," "What a Life" and "Mrs. O'Brien Entertains." The latter opens a week from today in Baltimore and on Broadway February 8.

"JESSE JAMES"

The Thrill of the Industry

NOW THE THRILL OF THE NATION!

NEW YORK — **"Jesse James" roars into 2nd spectacular week at Roxy — after playing to 165,138 people in first week and topping "Alexander's" biggest day to set a new all-time record!**

LOS ANGELES — **"Jesse James" continues "Alexander's Ragtime Band" pace at Loew's State and Chinese!**

19 OTHER PRE-RELEASE ENGAGEMENTS

— set up strategically to cover the country — get off to "Alexander" start over week-end!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

This ad ..appeared in all New York newspapers, promising a great entertainment . . .

HERE'S HOW THE CRITICS BACKED UP THAT PROMISE!

"A great film show! . . . Has a powerfully potent charm that cannot help but attract patronage! Garson Kanin may find himself chosen as favorite director by New York film critics for 1939."

—Kate Cameron, N. Y. Daily News

"A disarming and enchanting film . . Story has been told with such warmth and such a sure sense of screen values that you will be making a mistake to miss it."

—Howard Barnes, N. Y. Herald-Tribune

"A noteworthy picture . . . Has a simplicity which is en-

PICKET' JUDGE RULING

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CIDE

A MAN WITH A HOLE IN HIS PANTS

OUT of Hollywood has come something so fresh, so gloriously human and sincere that it cuts a new pattern for the screen . . . We believe it will sweep to success over-night.

What makes a great picture? . . . in this case it's a man with a hole in his pants and an empty heart—and two glorious kids who *just knew* that their dad was a "great" man . . . and that wonderful, intangible something that brings a lump in the throat, a laugh of gladness and a precious tear.

For weeks studio gossip of Hollywood has been of a great surprise picture coming through at RKO Radio. Word leaked out from cameramen, cutters, editors, those privileged to see just flashes of it in the making; they told of its originality, superb direction, tremendous heart tug.

The title of this story is "The Great Man Votes." Its locale could be New York; the time, Election Day when made strong by the precious heritage of his ballot, every American, even the man with a hole in his pants, knows that he stands that day a king among men.

Inspired by the inner radiance, the warmth and humanity of its story, the great John Barrymore rises to new

"A picture with its heart in the right place . . . Engaging performances lift it now and again into charm, pity and tenderness."
—B. R. C., New York Times

"Like a breath of fresh air on a sultry evening—invigorating, refreshing, relaxing, most welcome . . . As fine and engrossing an entertainment as the screen has offered in months."
—William Boehnel, N. Y. World-Telegram

"A real picture, a tender, rollicking comedy with all the drama it needs . . . Might have been written originally with just its present cast in mind."
—Eileen Creelman, N. Y. Sun

"Has both charm and humor . . . adroitly fashioned and thoroughly enjoyable . . . well worth seeing."
—Rose Pelswick, N. Y. Journal & American

"Yesterday's premiere audience charmed . . . picture packs a wallopy appeal and a divine sense of humor . . . Barrymore puts forth a magnificent performance which certainly won't be forgotten this year." *—Irene Thirer, N. Y. Post*

The GREAT
JOHN BARRYMORE
in
"THE GREAT MAN VOTES"

PETER HOLDEN • VIRGINIA WEIDLER

Donald MacBride • Katharine Alexander • Directed by Garson Kanin • Produced by Cliff Reid • Screen Play by John Twist
RKO Radio Picture, Pandro S. Berman in Charge of Production

RKO RADIO PICTURES

"The Great Man Votes," which opens at Radio City Music Hall Thursday, January 19th, is the first of a number of truly fine pictures with which the RKO Radio Studios greets the dawn of a new day in its history. Next at Radio City Music Hall will be "Gunga Din," heroic adventure inspired by the drumbeat rhythm of Rudyard Kipling's lines, starring Cary Grant, Victor McLaglen, Douglas Fairbanks, Jr. This is the greatest spectacle picture ever produced by RKO Radio Pictures.

"Love Affair," co-starring Irene Dunne and Charles Boyer, a smart modern romance admirably fitted to these stars. A bright fascinating story becomes a brilliant picture under the direction of Leo McCarey, who produced "The Awful Truth."

Fred Astaire and Ginger Rogers as "Mr. and Mrs. Vernon Castle," will appear soon in their first dramatic roles telling the true life romance of the world's most famous dancing stars, set to the fine melodies and rhythms when the romantic Castles held sway.

It has been the privilege of our company to bring to the theatres of the world many of their finest pictures, "Snow White," "Little Women," "Top Hat," "The Informer," "Stage Door" and many others. But never before has there been a like privilege to bring to the screen so many fine pictures in so short a time as will bear the RKO Radio trademark during the coming weeks. We are proud to start off the new year at Radio City Music Hall Thursday with "The Great Man Votes," the picture about a man with a hole in his pants . . . it is priceless entertainment.

George J. Schaefer, *President*
RKO Radio Pictures, Inc.

THE GREAT MAN VOTES with JOHN BARRYMORE • PETER HOLDEN • VIRGINIA WEIDLER
Donald MacBride • Katharine Alexander • Directed by Garson Kanin • Produced by Cliff Reid
Screen Play by John Twist • RKO Radio Picture, Pandro S. Berman in Charge of Production

'Trade Winds' Is $7,300 for Seattle High

SEATTLE, Jan. 22.—"Trade Winds," at the Fifth Avenue, was strong here, taking $7,300. The dual of "Stand Up and Fight" and "Nancy Drew, Detective," grossed a good $7,100, in the second week.

"Sweethearts" took $4,300 in its third week, at the Music Box, and the dual of "Dawn Patrol" and "Thanks for the Memory," grossed $4,100 at the Blue Mouse.

Estimated takings for the week ending Jan. 20:

"The Dawn Patrol" (W. B.)
"Thanks For the Memory" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $4,100. (Average, $4,000)
"Trade Winds" (U. A.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,300. (Average, $7,000)
"Duke of West Point" (U. A.)
LIBERTY — (1,800) (20c-30c-40c-55c) 7 days. Gross: $4,450. (Average, $5,000)
"Sweethearts" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $4,300. (Average, $4,000)
"Son of Frankenstein" (Univ.)
"His Exciting Night" (Univ.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,700. (Average, $6,000)
"Shine On, Harvest Moon" (Repub.)
"Orphans of the Street" (Repub.)
PALOMAR — (1,500) (15c-25c-35c-40c) 7 days. Vaudeville and "Paradise Islands Revue." Gross: $5,300. (Average, $5,000)
"Stand Up and Fight" (M-G-M)
"Nancy Drew, Detective" (W. B.)
PARAMOUNT—(3,050) (30c-40c) 7 days, 2nd week. Gross: $7,100. (Average, $6,000)

'Trade Winds' and 'Marry' Do $8,000 To Lead Milwaukee

MILWAUKEE, Jan. 22. — "Trade Winds" and "Next Time I Marry" grossed $8,000 for the week's high at the Warner. Only other house to clear average was the Riverside, where "Adventure in Sahara," and Major Bowes' Swing School unit collected $6,000.

Fox's Wisconsin opened its new show on Wednesday, shifting "Kentucky" and "Up the River" into the circuit's Strand the same day, following an 11-day run of the dual.

Estimated takings for the week ending Jan. 12-13:

"Professor Mamlock" (Amkino)
LITTLE THEATRE—(1,098) (35c-50c) 7 days, 2nd week. Gross: $1,500.
"Dramatic School" (M-G-M)
"The Girl Downstairs" (M-G-M)
PALACE—(2,400) (35c-50c) 6 days. Gross: $4,600. (Average, $5,000)
"Adventure in Sahara" (Col.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Major Bowes' Swing School. Gross: $6,000. (Average, $5,000)
"Sweethearts" (M-G-M)
"Young Dr. Kildare" (M-G-M)
STRAND—(1,400) (35c-50c) 4 days. Gross: $1,100. (Average, $4,500)
"Kentucky" (20th-Fox)
"Up the River" (20th-Fox)
STRAND—(1,400) (35c-50c) 3 days. Gross: $1,000. (Average, $4,500)
"Trade Winds" (U. A.)
"Next Time I Marry" (RKO)
WARNER — (2,400) (35c-50c) 7 days. Gross: $8,000. (Average $5,000)
"Kentucky" (20th-Fox)
"Up the River" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 4 days. Gross: $4,000. (Average, $8,000)
"Stand Up and Fight" (M-G-M)
"Spring Madness" (M-G-M)
WISCONSIN—(3,200) (35c-50c) 3 days. Gross: $4,000. (Average, $8,000)

Hollywood Previews

"Pride of the Navy"

(Republic)

HOLLYWOOD, Jan. 22.—Although considerable padding is resorted to, particularly in the romantic conflict and comedy sequences, "Pride of the Navy" makes the grade as acceptable entertainment. While the production has a different kind of naval activity background, the love interest assumes the familiar triangle in which James Dunn, Rochelle Hudson and Gordon Oliver are concerned. Dunn has quite a bit to do in the comedy contrast, but most of the picture's fun is developed by Horace MacMahon.

Failing to perfect a new type splinter torpedo boat, Oliver also fails to lure speed boat pilot Dunn back into the service. The grandstanding racer with a heart of gold is easy prey, however, for the admiral's daughter, Miss Hudson. The little encouragement the girl gives Dunn is sufficient incentive for him to try to steal her away from Oliver. Meanwhile the experimental boat meets with disaster and grandstander Dunn, taking too much for granted, finds himself in wrong with Miss Hudson, Oliver, Captain Charles Trowbridge and his buddy, MacMahon. Inspired by patriotism and love, he does an about face, perfects a dual hulled splinter boat and demonstrates its practicability and efficiency as a naval weapon by exploding a runaway torpedo. Recommissioned in the service, he is rewarded with a clear field to Miss Hudson's hand.

Ben Markson and Saul Elkins did the screenplay on an idea supplied by James Webb and Joseph Hoffman. Wisely, director Charles Lamont chose to inject a liberal amount of comedy into the romantic and action episodes.

Running time, 65 minutes. "G."* G. McC.

"You Can't Get Away with Murder"

(Warners)

HOLLYWOOD, Jan. 22.—In addition to the attention getting title, exhibitors have, for showmanship purposes in connection with showings of "You Can't Get Away With Murder," the fact that the film is based on a play, "Chalked Out," written by Warden Lewis E. Lawes of Sing Sing, and Jonathan Finn. Plus these, there are the names of Humphrey Bogart, whose most recent picture was "King of the Underworld"; Gale Page, Billy Halop, one of the "Dead End" kids; John Litel and others.

"You Can't Get Away With Murder" is the story of a youngster whose worship of a thief leads him into robberies and subsequently a murder. The fiance of his sister is sentenced to die for the crime in the same prison to which the thief and the boy have been sentenced. In a prison break, led by the crook, the boy is wounded, but makes a deathbed confession naming the real killer.

Robert Buckner, Don Ryan and Kenneth Gamet wrote the screenplay. Lewis Seiler directed, Sam Bischoff receiving associate producer and Hal B. Wallis executive producer credits.

The story's unfolding is grim, brightened only by occasional light touches of comedy. It maintains a slow tempo, quickened for the climax.

Running time, 80 minutes. "G."* VANCE KING

**"G" denotes general classification.*

CEA London Branch May Form New Unit

LONDON, Jan. 22.—London Branch of the Cinematograph Exhibitors' Association, at its annual meeting on Jan. 24, will consider a motion for the formation of an independent group within the branch.

The annual report is expected to appeal for a discontinuance of the double billing of "A" features and to express concern over the continuance of the problem of overbuilding.

Standees Bring Arrest

COLUMBUS, Jan. 22.—John Pancak, assistant manager of the Knickerbocker, downtown subsequent run, was arrested for allowing patrons to stand in the aisles, contrary to the law. He was released on probation.

Aid Paralysis Drive

DES MOINES, Jan. 22.—The Tri-States Corp., will assist the National Infantile Paralysis drive by taking two collections a day, for the drive, at all of the theatres in their circuit during the week of Jan. 26-30, according to arrangements made by G. Ralph Branton, business manager.

Retitle Hopalong

HOLLYWOOD, Jan. 22.—Paramount has set "Renegade Trail" as the release title of Harry Sherman's final Hopalong Cassidy production of 1938, formerly called "Arizona Bracelets."

Vallee in Henie Film

HOLLYWOOD, Jan. 22.—Rudy Vallee has been signed by 20th Century-Fox for a featured role in the next Sonja Henie picture, "When Winter Comes."

'Fight,' With 'Peck' Denver Top $10,400

DENVER, Jan. 22.—"Stand Up and Fight," dualled with "Peck's Bad Boy at the Circus," at the Orpheum, was the leading grosser here, with $10,400. Grosses generally were strong, despite two snowstorms.

"Kentucky" was strong in its second week, taking $10,000 at the Denver, while "Sweethearts" in the third week drew $4,000 at the Broadway. "Zaza" was good for $7,200 at the Denham.

Estimated takings for the week ending Jan. 18:

"Dawn Patrol" (W. B.)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Sweethearts" (M-G-M)
BROADWAY—(1,100) (25c-40c), 7 days, 3rd week. Gross: $4,000. (Average, $2,500)
"Zaza" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $7,200. (Average, $6,000)
"Kentucky" (20th-Fox)
DENVER—(2,525) (25c-35c-50c), 7 days, 2nd week. Gross: $10,000. (Average, $8,500)
"Stand Up and Fight" (M-G-M)
"Peck's Bad Boy at the Circus" (RKO)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $10,400. (Average, $8,000)
"Devil's Island" (W. B.)
"Swing, Sister, Swing" (Univ.)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Trade Winds" (U. A.)
"The Last Warning" (Univ.)
RIALTO—(878) (25c-40c), 7 days. Gross: $1,750. (Average, $1,750)

'Honeymoon' with Stage Show Draws $21,000 to Capital

WASHINGTON, Jan. 22. — "Paris Honeymoon" at Warners' Earle was the best bet here with $21,000, aided by the stage appearance of Ken Murray and Gene Austin.

"Sweethearts" was good in its second week at Loew's Palace with $12,500. "Devil's Island" at Warners' Met and a return of "The Young In Heart" at Loew's Columbia took $6,300 and $6,000, respectively.

Estimated takings for the week ending Jan. 12:

"Duke of West Point" (U. A.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Sara Ann McCabe, The Debonairs, Bert Walton. Gross: $14,500. (Average, $16,500)
"The Young in Heart" (U. A.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $6,000. (Average, $4,200)
"Sweethearts" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $12,500. (Average, $11,500)
"Pacific Liner" (R-K-O)
RKO-KEITH'S—(1,836) (25c-40c) 7 days. Gross: $6,800. (Average, $10,000)
"Paris Honeymoon" (Para.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Ken Murray & Gene Austin. Gross: $21,000. (Average, $16,000)
"Devil's Island" (W. B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $6,300. (Average, $4,000)

Plan "Slapped" Remake

HOLLYWOOD, Jan. 22.—Joseph Mankiewicz, M-G-M associate producer, is planning a remake of "He Who Gets Slapped," the Lon Chaney-John Gilbert vehicle. Margaret Sullavan will play the feminine lead in the new version.

INSTANT ACCEPTANCE

NEVER before have new negative materials been as enthusiastically received... as quickly put to use... as Eastman's three latest motion picture films. Fast, fine-grained *Plus-X*, for general studio work... high-speed *Super-XX*, for all difficult exposures... ultra-fine-grained *Background-X*, for backgrounds and all-round exterior work... Typically *Eastman* in uniformity and photographic quality, these films have won instant acceptance in the industry. Eastman Kodak Co., Rochester, N.Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X*... *Super-XX*... *Background-X*

Giveaways a Major Gambling Enterprise

By SAM SHAIN

Chance games and giveaway schemes in theatres, churches and clubs have been developed to the point of being one of the country's large gambling enterprises!

Such money games have trended toward the proportions of an Irish sweepstakes. The amount of prize money involved is estimated by theatre men to be in the neighborhood of $10,000,000.

Theatres give away an estimated $6,000,000 annually through such games.

Churches, lodges and clubs give away an additional $2,000,000.

Another $2,000,000 is involved in covering advertising and expenses of presenting these games in theatres.

In the New York area alone it is estimated that more than $1,000,000 is given away annually.

Exhibitors and authorities have become alarmed over the situation and are beginning to consider seriously means for dropping these games. Many feel that while the games promote business on days they are conducted, most of the "extra" business is really money "stolen" from other days of the week.

CHURCHES ARE COMPETITORS

Indication of the strain on theatre operation is the constantly increasing amount of prize money being given in order to retain public interest. Churches, lodges and clubs, through operation of such games, have become commercial competitors to legitimate amusement.

In cities where games have not been played, it is because games are not wanted. In many cities, where games have been played, especially in metropolitan cities, exhibitors want to drop the games, providing the competition of the churches, lodges and clubs also could be removed. There are also instances where games are wanted regardless. There is no question among exhibitors but that the games are harmful to the industry generally.

This, briefly, is a summary of the findings of a cross-country survey on the games and giveaway situation by Motion Picture Daily. The survey covered representative cities, large and small. The information was gathered by correspondents of Motion Picture Daily, by inquiry and observation. The survey was made apropos of the movement which has recently been launched by New York exhibitors and License Commissioner Paul Moss to eliminate cash giveaways in the New York area.

The more important circuits and larger theatre groups, both affiliated and independent, are agreed on abandoning games in New York. Loew and RKO did stop the games a year or more ago, but when other houses failed to follow, competition compelled these firms to reinstate the games.

The Motion Picture Daily survey developed many varying opinions based, of course, on the exhibitor's personal experience in his locality. Here is an expression from a city where games have never been permitted. It comes from P. J. Wood, secretary of the Independent Theatre Owners of Ohio:

"It is refreshing to note that the theatres in New York contemplate eliminating giveways of all sorts and rededicating themselves to the selling of motion pictures.

OHIO CITIES FREE OF GAMES

"There never has been a Bank Night, or similar scheme operated in Columbus, Dayton or Cincinnati, Ohio. One did get started in Akron a few years ago, but was promptly squelched. With 52 theatres in operation, there is no severer competition than in the city of Columbus, but from the very beginning we realized that cash giveaways were bound to result in a severe headache, and that it would be to the best interest of all theatre owners to act as our own police force and keep the rackets out of all theatres."

Mr. Wood points out that in these Ohio cities churches do have games.

"A few years ago we were of the opinion that the games were cutting into the theatre business, but after attending many of these sessions and looking over the type of people who patronized them, I concluded that if all the games were closed up, the theatre business would be benefited very little."

Similar comment comes from Seattle and Spokane, Wash., where games are absent throughout the state, with one or two small town exceptions. The M. P. T. O. of the State of Washington is vigorously opposed to games. The theatres do not feel the absence of games has hurt them.

Prize Money Totals Yearly $10,000,000

Philadelphia

Population, 2,000,000; 10 first runs, 17,160 seats, 25c-75c; 198 subsequents, 195,503 seats, 10c-40c. Games were stopped in April, last year, but giveaways continue. City authorities took action against cash games after they ran about a year. About 150 subsequents had games, with none at first runs. Annual "giveaway" was about $195,000. Games were in effect at churches and clubs before they went into theatres. When theatres adopted them, church Bingo doubled, but is now banned by law. Exhibitors claim business has been off from 10 to 30 per cent since games' elimination and many have turned to premiums. Most exhibitors say they would start games again if law permitted.

The Philadelphia decision outlawing games resulted in their elimination in nearby communities and now this is said to be the case virtually through Pennsylvania.

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Providence

Population, 253,000; seven first runs, 14,535 seats, 25c-35c-50c; nine subsequent runs, 9,836 seats, 15c-20c-25c-35c. Cash games never widespread, were stopped voluntarily in 1935, prior to ruling by Attorney General that Bank Nights were illegal, in April, 1938. Non-theatrical games were widespread and hurt theatres, but police banned Bingo two years ago. Giveaways were discarded about two years ago; only one subsequent run still gives dishes occasionally. Exhibitors oppose return of games.

Biggest Bank Night

The greatest Bank Night ever held was one which was conducted in New York by Loew's, by a group of 18 of the circuit's theatres, all of which houses were connected by telephone that single night, as radio stations might be tied up. The grand prize was $3,500 and there were outstanding approximately 2,500,000 coupons. The event was extremely profitable to the company from a cash standpoint, netting approximately $17,000. Loew's, however, has been among the leaders in wanting the games eliminated, as harmful in the long run to legitimate show business.

Game Profits "Stolen" from Rest of Week

Detroit

Population, 1,800,000; five first runs, 15,000 seats, 20c-65c; 132 subsequent runs, averaging 1,000 seats, 10c-35c. Games were in effect about two years at most of the neighborhoods and subsequents, but not at the first runs. The city stopped games about a year and a half ago. Dishes, silverware and cosmetics giveaways have replaced them, and exhibitors say they are better off with such stimulants than with games. Silverware and dish sets are most popular, figuring women patronage. Keno and Bingo were played in halls, churches, etc., before theatres started games. There has been no noticeable effect on this since theatres stopped games. It is not believed churches and clubs will quit games, unless compelled by law, which is unlikely.

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Baltimore

Theatres here never used games extensively, but they had been prevalent non-theatrically until a few weeks ago. Police stopped them, as they were getting to be a "racket," with 63 organizations running them allegedly for charity. Weekly attendance at these games had reached 20,000. Theatres feel that their no-game policy may have furnished a good example to the police in banning socalled "charity" games.

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Hackensack

Population, 25,000; two first runs, one subsequent, 30c-40c. No games or giveaways. Theatres do not want them. Patrons take their films straight and do not demand stimulants or premiums.

Racket Cut in

In some towns the chance game has become a racket. In one Midwestern city, racketeers have cut themselves in, and the theatres can do nothing about it. It is a rule in the games that to receive the award the winner must be present in the house on the night of the drawing. This gang, however, has organized a system where for a nominal fee it guarantees "attendance" to customers. These "guaranteed attendance" slips, like number policy slips, are sold over the counter in barber shops, drug stores and the like.

US Houses Give Away $6,000,000 Yearly

Omaha

Population, 225,000; three first runs, 6,400 seats, 25c-35c-40c; 25 subsequent runs, 14,000 seats, 10c-15c-20c-25c. Games were used seven months, but banned by court ruling in June, 1937. First runs and all subsequents estimated to have distributed $21,000 in seven months. Bank Night was used. Churches, clubs, etc., had small Bingo games before theatres adopted cash games, but did not increase prizes after adoption by theatres. Non-theatrical games are still running, but exhibitors are not concerned. No complaints by merchants or others are on record. Exhibitors say games elimination has cut grosses generally; would reinstate them if legally possible. Chance game ban has increased giveaways among subsequents, but not on big scale.

In Nebraska, there are 307 theatres, including Omaha. Some Nebraska exhibitors have had other giveaways since Bank Night was declared illegal. Work Nite is now running in 32 houses. New attorney general, Walter R. Johnson, had backing of A. H. Blank and other theatre interests in election, and exhibitors are awaiting his attitude on chance games.

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Seattle

Population, 450,000; seven first runs, 13,100 seats, 20c to 55c; 32 subsequent runs, 24,600 seats, 10c to 35c. With the exception of about a dozen small towns, the state of Washington is free of chance games and giveaways. Seattle exhibitors have never used box-office stimulants. There have been no non-theatrical cash games. Fact most Washington theatres are circuit-controlled makes this policy more readily enforceable. M. P. T. O. of Washington, to which majority of theatres are said to belong, opposes games and giveaways.

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Spokane

Population, 130,000; three first runs, 4,500 seats, 20c-40c; 10 subsequent runs, 5,200 seats, 10c-25c. The situation in Seattle applies in Spokane and Tacoma, other leading cities in the state. The NRA film code boards banned stimulants of all kinds in Spokane, and since then a "gentlemen's agrement" has kept them out. Though independents claim business is off, without attributing this to the game ban, they are sticking to the agreement. Exhibitors consider games uneconomic and bad for the industry. Games are reported to have been dropped in additional towns during 1938, but a few near here still use them, the closest 30 miles from here. Bingo variations are in vogue at church bazaars and lodge parties.

Profit a Motive

Trying to make theatres profitable in localities which are unable to support theatres legitimately is an underlying cause for many small theatre owners resorting to chance games and contests. This also explains why the smaller theatre owners generally might be found favorable to games.

Wilmington

Population, 130,000; four first runs, 4,900 seats, 25c-50c; eight subsequents, 7,680 seats, 15c-35c. Bank Night and other chance games were banned by Attorney General Green last April. Theatres subsequently adopted giveaways. Most affected were towns outside Wilmington, where games were played in virtually all places with community theatres. Some now use giveaways. Only one Wilmington house was affected, the Ace, independent neighborhood, which now uses giveaways.

Games were steadily building business and the ban is said to have cut grosses. Giveaways are said not to be as good.

With exception of Ben Shindler, who operates the Ace, Wilmington, exhibitors are opposed to stimulants as well as dual bills. Bingo was at one time popular in churches and clubs but has declined as a draw and no longer affects theatres in Wilmington. No indication that club games will increase.

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Columbus

Population, 300,000; five first runs and 55 subsequents. City is regarded as one of most heavily overseated in the country, and competition is keen, yet there have been no games or large-scale giveaways. There are a few giveaways in store tieups, but not extensively. A large country club and a few churches and lodges run Bingo, without affecting theatre attendance.

There are no games in Dayton or Canton. In Akron they were banned by officials a year ago.

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Birmingham

Population, 275,000; five first runs, 4,000 seats, 25c-40c; 17 subsequent runs, 4,000 seats, 10c-20c. About half the subsequents had games, but not the first runs, for about four years, but were stopped early in 1938 by a court decision holding games to be lotteries. Prize money averaged $1,000 per theatre per year. Bank Night was used. Merchants complained, but there was no organized protest. There have been no club or church games. Elimination of games caused an estimated 10 per cent business decline. Exhibitors would reinstate them if they could.

Cincinnati

This city, which has 66 theatres, now has a strict ban on games in theatres but permits churches and clubs to run them under police control, and such places must be licensed. This situation arises from the fact that games reached "racket" proportions here among non-theatrical places, with individuals reaping the profits. Now they can be conducted only for charity, with a nominal sum given away and no advertising. This has reduced the competition to theatres, which formerly was heavy.

Outside city limits, Hamilton County officials are lenient with theatres running games, and a number of Cincinnati suburban houses have them. Typically, the Andalus, in St. Bernard, has Bank Nights Tuesdays and Wednesdays, with weekly prizes of $40. This exhibitor does not approve of games but blames poor product for the necessity of using them. Cincinnati theatres near the county line have strong competition from county houses using games.

[This is the first of a series of articles surveying the giveaway situation in the country. The next will appear in an early issue.]

Bank Night Is Held Lottery and Illegal By Florida Court

TALLAHASSEE, Fla., Jan. 22.—Bank Night, operated in many Florida theatres for the past five years, was declared a lottery, and therefore illegal under provisions of Florida's constitution, in a decision handed down today by the State Supreme Court. The Florida constitution expressly prohibits lotteries. The court ruled on two cases, one from Dade County (Miami) and the other from Hillsborough County (Tampa). Five of the six justices concurred, the sixth, Elwyn Thomas, not participating as he was not a member of the tribunal when the question was argued.

The court said that it recognized the decision would have a "far-reaching effect on the theatre business in Florida." Enforcement of the ban is left in the hands of local authorities.

It was the court's first direct ruling on Bank Night. In a recent case from Gainesville, however, it ruled a claimant had established some claim on the award, but it did not then rule on the lottery angle. The ruling today sustained injunctions issued against Little River Theatre Corporation of Dade County and Gulf Theatres, Inc., operator of the Victory Theatre in Tampa.



CAB to Open 3-Day Meet at Toronto Today

TORONTO, Jan. 22.—With the Canadian Broadcasting Corp. involved in an epidemic of restricting orders with the banning of various speakers and subjects from both national and private networks, members of the Canadian Association of Broadcasters will have plenty of meat for lively discussions at the annual meeting in the Royal York Hotel, Toronto, tomorrow to Wednesday.

Rev. Charles Lanphier of the Catholic Radio League; George McCullagh, publisher of the Toronto *Globe & Mail;* Alderman David Balfour of Toronto; Tim Buck of the Toronto Communist Party and Beverly Baxter, news commentator, have all found themselves off the air during the past week or two because of strict enforcement of regulations under the Canadian Broadcasting Act of 1936. In the latest issue, however, McCullagh circumvented the CBC prohibition order which prevented his use of the network for an expression of his views on taxation by sending recordings of his speech to the various stations in a technical evasion.

The question of the censorship of newscasts is another point which is coming before the broadcasters' convention, at which one of the speakers will be Robert L. Moore, vice-president of Transradio Press Service. A recent development has been the use of a United Press service in the hockey broadcasts of Imperial Oil, Ltd., as a privately-controlled feature although the Canadian Press Service has long had a working agreement with the CBC for newscasts.

Representatives of American and Canadian transcription enterprises, advertising agencies, commercial sponsors and others are at the convention.

CBC Plans Central Quarters in Toronto

TORONTO, Jan. 22.—Through the Canadian Association of Broadcasters in Toronto, the government sponsored Canadian Broadcasting Corp. has made known plans for the erection of a centralized headquarters here for the accommodation of studios, offices and services which are now scattered in three separate buildings. This will take care of the two local stations CBL and CBY of the CBC national network as well as the Toronto office and technical departments.

Wins CKCL Contest

TORONTO, Jan. 22.—Jane Tiers, 20-year-old Toronto girl, has been declared winner of the "Movie Stars of Tomorrow" dramatic series, featured for the past 16 weeks over CKCL, in which she was awarded a screen test with Grand National Pictures in Hollywood with all expenses paid by the sponsors, Century Cleaners and Dyers.

Moore Quits Fidler

Bill Moore has resigned from Jimmy Fidler's radio staff effective Feb. 1 to join Tom Fizdale, Inc., in the motion picture department.

Radio Personals

HAL KEMP back in New York after a road tour and about to embark on another tour, of college proms . . . Skinnay Ennis, vocalist and bandleader on the Bob Hope program, has been signed by Columbia Pictures to handle the vocal assignment in the second of the "Blondie" series . . . Tommy Dorsey will broadcast his regular Raleigh and Kool program Jan. 25 from the stage of the Shubert in Newark, where he will appear on that date . . . Jimmie Lunceford's band booked for "Saturday Night Swing Session" on Jan. 28. . . . WHN carried Eddie Cantor's "March of Dimes" show yesterday . . . WNEW'S Dinah Shore is the vocalist with Leo Reisman's orchestra at the Paramount.

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To Air Bands Under Oklahoma City Deal

OKLAHOMA CITY, Jan. 22.—KOMA has reached an agreement with the city for regular Saturday night broadcasts of dance bands from the Oklahoma City municipal auditorium.

Nationally known bands will stop off regularly to play in Oklahoma City at the auditorium, if plans of Clarence R. Donart, auditorium manager, and his assistant, T. T. Johnson, materialize. They call for formation of a circuit of at least 10 southwestern cities and will be set before a conference of auditorium managers from southwestern municipalities at Memphis. The Oklahoma City council has authorized Donart and his assistant to attend the conference.

Chotzinoff Is Given New Position at NBC

Samuel Chotzinoff, *New York Post* music critic, who joined NBC as a musical consultant following the signing of Arturo Toscanini, has been made director of serious music for NBC. His new specialized duties will commence Feb. 1. He will report to John Royal, vice-president in charge of programs.

Business Machines Files F. C. C. Protest

ENDICOTT, N. Y., Jan. 22.—Business Machines Corp. here has filed a protest with the Federal Communications Commission over the commission's refusal to grant a station license to the company. The protest claims the station would be of no particular value to the company but would be of benefit to the community.

NBC Records "Please"

NBC transcription service is now making recordings of Canada Dry's "Information Please" for transcribed broadcasting over a number of stations in this country and Canada which do not carry the "live" program. The stations over which the transcriptions will be broadcast are KOH, Reno; WIRE, Indianapolis; WFAA, Dallas; KPRC, Houston; KGU, Honolulu, and four Canadian stations, CJCA, CFGP, CFAC and CJOC.

Around the Country

San Francisco

Jack Burnett, former KROW local manager, has joined the staff of KGVO, Missoula, Mont. . . . Jerry Bundsen has left the KSFO publicity staff to work for new Adolph Oko ad agency here. . . . New KSAN mikeman is Charles Cooper, formerly of KQW, San Jose. . . . Don Gilman, NBC's coast vice-president, in town on semi-annual inspection trip. . . . KPO's Billie Byers, actress whose leg was fractured in crash three months ago, now broadcasting in "Women's Magazine of the Air." . . . Robert J. McAndrews has been named sales promotion manager for NBC here, succeeding Charles B. Brown, who has gone to Hollywood as western division sales manager.

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Cincinnati

At the outset of the current surprise snow and blizzard, WSAI came to the community's aid by all day broadcasts from the American Automobile Association headquarters warning drivers of existing traffic hazards, and airing other helpful information. . . . "Chuck Wagon," quarter-hour musical sustainer, heretofore aired from 8:45 to 9 A. M. over WLW, Monday through Friday, goes to a half-hour period starting today, from 8:30 to 9 A. M. on the same days.

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Columbus

Radio broadcasts will be used sparingly by Gov. John W. Bricker, who recently assumed office, "because he has no funds for line charges necessary on an Ohio network." This is in direct contrast to his predecessor, Martin L. Davey, who employed statewide hookups almost constantly. Gov. Bricker's first message to the legislature was carried only by WBNS, local Columbia affiliate.

FCC Calendar

WASHINGTON, Jan. 22.—The Federal Communications Commission has announced its calendar of hearings on broadcast applications for the current week, as follows:

Jan. 23: Applications of Bureau of Education for a 1,420-kilocycle, 100-watt daytime station at Montebello, Cal., and WFIL, Philadelphia, for increase of day power from 1,000 to 5,000 watts.

Jan. 24: Application of St. Lawrence Broadcasting Corp., for a 1,310-kilocycle station at Ogdensburg, N. Y., with 100 watts night, 250 watts day.

Jan. 25: Applications of Bowling Green Broadcasting Co. for a 1,310-kilocycle station at Bowling Green, Ky., with 100 watts night, 250 watts day, and WALA, Mobile, Ala., for increase of night power from 500 to 1,000 watts.

Jan. 27: Application of Yuba-Sutter Broadcasters for a 1,320-kilocycle, 250 watt station at Marysville, Cal.

Banner LINES

COLUMBIA Broadcasting System has dispatched transcripts in 10 volumes of the network's broadcasts during the European crisis of last September to leading world statesmen and educators. Recipients of the volumes are President Roosevelt, Prime Minister Chamberlain, Premier Daladier, among others. Not on the list to receive the books are Adolph Hitler and Premier Mussolini.

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Irene Beasley, broadcasting her "R.F.D. No. 1" program on CBS Monday, devoted most of her program time to giving recipes using garlic as an ingredient, and concluded with a song rendition of "You Took My Breath Away."

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Walter O'Keefe told it to us the other night—a grand anecdote about the late Knute Rockne and Heywood Broun. It happened after the *World* had folded. At the time O'Keefe was working at Barney Gallants, and Rockne, just recovering his health after an illness, had dropped in to see Walter, a dear friend. Broun, present in the club that night, asked Walter to introduce him to Rockne.

"Oh yes," said Rockne at the introduction. "I read your column every day in the *New York Sun.*" It was an honest mistake on Rockne's part, not a rib.

Without batting an eye, Broun came back with, "Thanks, coach, and that's a fine team you have. I never miss one of their basketball games when they play here."

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There's no end to the job radio does. After Foster May, WOW's man-on-the-street, interviewed a young physician looking for a new location, 72 letters from towns in seven states were received by the station stating that the town was in need of a full time physician.

▼

Norman Corwin of the CBS directing staff formerly worked for a film company, 20th Century-Fox, which perhaps may explain his desire to obtain realism, even in a radio program. Script of the Corwin-directed dramatic series "County Seat" the other afternoon called for a fight between two youngsters, so Corwin brought boxing gloves to the studio, told the lads to forget all dialogue save cue lines, and let them go to it. They say it was quite a bout.

—JACK BANNER

Air Canadian Serial

TORONTO, Jan. 22.—The first completely Canadian dramatic serial over the CBC network is "Miss Trent's Children," written by J. E. McDougall and produced by Rupert Caplan, which deals with the problem of youth rehabilitation, the action of the story taking place in western and eastern Canada. Episodes are broadcast every Friday night at 8:30.

Shift Mexican Station

MEXICO CITY, Jan. 22.—Frequency of XEXX here, operated for educational purposes by the National University of Mexico, has been changed to 860 kilocycles.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 16 NEW YORK, TUESDAY, JANUARY 24, 1939 TEN CENTS

Union Urges AFL to Act in 'Big' Nick Case

Asks Green to Intervene to Avert 'Whitewash'

ST. LOUIS, Jan. 23.—In adopting a resolution asking William F. Green, president of the A. F. of L., to intervene in affairs of the Motion Picture Machine Operators' Union No. 143, the Central Trades and Labor Union yesterday denounced "gangsterism and racketeering in labor organizations." In demanding action by Green the C. T. L. U. went over the head of George F. Browne, international president of the theatrical unions, who has his own representative here making an examination of union affairs, which disgruntled members have declared they expect to result in a "whitewashing" of John P. "Big" Nick, boss of the local organizations.

Nick, recently indicted on charges of extorting large sums from theatre owners on threats of ruinous salary increases, is still at his home suffering from arthritis. He was put under bond of $25,000.

Hepburn Rehearsing In New Barry Play

Rehearsals of the Theatre Guild's "The Philadelphia Story" with Katherine Hepburn in the leading role started yesterday. Philip Barry wrote the play. "Jeremiah" and "Five Kings" also are in production.

Tugs Race to Scoop Survivors' Air Tale

Like an oldtime paddle-wheel race on the Mississippi was the huffing and puffing of two tugboats vieing to be first to reach the *Esso Baytown*, aboard which were the survivors of the wrecked Imperial Airways flying boat *Cavalier*. The tugs were hired by CBS and NBC special events departments, and the idea was to obtain an exclusive first hand radio interview with the survivors. But neither made the goal. Mutual didn't bother to go to sea but planted mikes at the dock and waited for the *Esso Baytown* to make port.

All the networks got to the survivors upon landing, at the same time.

Cole Foresees Changes in Film Industry's Structure

By AL FINESTONE

Col. H. A. Cole, newly elected president of Allied States, foresees radical changes in the industry's structure and methods in the next two or three years. He believes that the "evolution" will come about as a result of developments within and outside the industry.

"Allied hopes that when the new structure rises, only the bad will be destroyed and the good remain," Col. declares. "Allied's members are a part of the industry, and they do not want to see it destroyed."

Gives View on Bills

He thinks that the Senate will pass the Neely anti-block booking bill in 90 days. Also he anticipates that the companion Edmiston bill may have difficulty getting early House committee consideration, but that under pressure from exhibitors and public groups the committee will act.

If the committee vote is favorable, the measure will pass the House without a record vote, Col. Cole feels.

The Senate Interstate Commerce Committee, according to Cole, may not find it necessary to have a hearing on the Neely bill, since it obtained sufficient data in previous hearings and it can call on the Department of Justice files for additional information, but the House committee will order a hearing. Distributors already have applied for hearings by both committees.

The current Government monopoly investigation will eventually reach films, Cole believes, but the committee members are inclined to wait until the pending Government anti-trust suit is decided. Thurman Arnold, assistant U. S. Attorney General in charge of the film case, is a member of the investigating committee.

Col. Cole has appointed Martin Smith, president of Ohio Allied, as chairman of Allied's national legislation and litigation committee. The post requires close contact with Washington. It formerly was held by Col. Cole.

Plan Closer Contact

Closer contact with the local units is planned by the new national president. Col. Cole started this policy by attending a special meeting of the Illinois Allied directors in Chicago yesterday.

Jack Kirsch, president of the Illinois Allied, had accepted the vice-presi-

(*Continued on page 2*)

Republic Starts '39 Sales Parley Today; Plans 31 Features

Conferences on the lineup and sales policies for the new year start today at the Republic home office.

For this season the company is releasing 31 features, 24 westerns and four serials. There might be a slight change in the feature classification, but the number of westerns is expected to be the same. The westerns will continue in three series featuring Gene Autry, Roy Rogers and the Three Mesquiteers, each in eight films.

James R. Grainger, Republic Pictures president, has called in district managers for the meetings, which will be attended by M. J. Siegel, president of Republic Productions, Clair Hilgers, special sales representative, H. J. Yates and others.

District managers attending the conferences are Grover Parsons, San Francisco; Max Roth, Chicago; Harry LaVine, Philadelphia; Jack Bellman, New York, and Heck Everett, Charlotte.

Republic plans to release its "Man of Conquest," formerly "Wagons Westward," about March 1.

Toronto Film Houses With $5,653,300 in Year Gain Over 1937

TORONTO, Jan. 23.—Total receipts for 1938 of film theatres here were $5,653,300, compared with $5,198,300 for the previous year, an increase of 8.8 per cent, while paid admissions were up 1.8 per cent for the year to 22,710,763. The combined seating capacity of the 105 theatres is 85,799 and the percentage of average occupancy was 35.2, the possible aggregate attendance for the 52 weeks being 64,497,740.

Toronto, as a whole, held the highest average attendance for the year of any city in the Dominion, Vancouver, with 29 theatres, being second in the list with 33.3 per cent seats occupied at all performances. Montreal, with 66 theatres having a combined seating capacity of 69,406, had an average of 25.9 per cent in seat usage for the 365 days, the theatres in that city being open on Sundays as well as week days. The 11 first-run theatres in Montreal averaged 24 per cent in attendance; 44 second-run houses showed 25.4 per cent while 11 third-run registered 36 per cent.

AFRA to Deal With Agencies And Producers

New Arrangement Ends Prospect of Strike

American Federation of Radio Artists yesterday ended prospects of a general radio strike by abandoning all dealings with the American Association of Advertising Agencies to negotiate direct with individual agencies and other radio producing units.

The new policy of dealing with individual agencies rather than with the central agency group leaves the way open for individual agencies to accept the radio union's fair practice and minimum wage codes and thus escape stoppage of broadcasting of programs produced by those agencies. Advertising agencies which refuse to meet AFRA's demands will be unable to continue for lack of talent.

One of the first to subscribe to AFRA's new offer is the William Wrigley Co. and its advertising agencies, Neisser-Myerhoff Co., and the Frances Hooper agency. A half-dozen New York agencies yesterday indicated their willingness to sign individually with AFRA it was said at the union's headquarters yesterday. However, until the documents are signed and deposited with AFRA the union prefers to withhold the identity of the agencies.

Additional developments in radio are found on page 7.

The fair practice code, containing the AFRA wage demands and other provisions, are now being printed and will be distributed possibly by this morning. AFRA will not hold the agencies to a deadline, but it is believed that the agencies will not be given more than 10 days to two weeks in which to accept the AFRA demands.

George Heller and Emily Holt, executives of AFRA's national board, returned to New York yesterday afternoon after attending the strike rallies in Chicago, Los Angeles and San Francisco.

Comrade!

Vittorio Mussolini, son of the Italian dictator, has become editor of "Cinema," according to the masthead of the Italian film paper, received here yesterday.

Purely Personal

WILLIAM J. HEINEMAN, western sales manager for Universal, is the father of an 8½-pound boy, born over the weekend at the Mary Immaculate Hospital, Jamaica.

•

RUDOLPH EISENBERG, theatrical attorney and eastern representative for Reliable Pictures, and MRS. EISENBERG have gone to Havana for three weeks on a vacation and business trip.

•

CARLO BUTI, Italian singer, arrives early in February for an American tour. He will appear for several weeks in a revue at the Cine Roma on Broadway.

•

BARNEY BALABAN, Paramount president, leaves for Florida on Friday for a brief vacation. He will spend part of the time aboard STANTON GRIFFIS' yacht.

•

MAX A. COHEN, head of the Cinema circuit and president of New York Allied, has left for a two-month trip to California and Honolulu, with MRS. COHEN.

•

MR. and MRS. I. J. HOFFMAN will celebrate their 25th wedding anniversary with a trip to Florida. He is Warner zone manager in New Haven.

•

EDWARD A. ALPERSON, Grand National sales manager, is spending the week visiting branches in the middle west and Canada.

•

GEORGE J. SCHAEFER, RKO president, will be one of the judges in JESSE LASKY'S CBS "Gateway to Hollywood" program Sunday night.

•

GORDON ELLIS, Australian film man, has arrived on the coast and will spend some time there before leaving for Sydney.

•

ALLAN S. MORITZ, Columbia Cincinnati branch manager, is in New York to attend the funeral of a sister, MRS. FREDA JACOBI.

•

JOSEPH FRIEDMAN, Columbia's British manager, returned yesterday from the coast where he conferred with HARRY COHN, president.

•

MILTON SILVER, National Screen advertising head, has returned to his desk, having recovered from the flu.

•

JOHN FORD, director of "Stagecoach," has left New York to visit his home in Maine before returning to the coast.

•

WILLY DE MOND, Hollywood fashion designer, is in New York after completing work for RKO's "The Castles."

•

RUTGERS NEILSON, RKO publicity manager, is confined to his home with a cold.

•

PHIL BERG, agent, arrived yesterday from the coast.

•

LEILA HYAMS got into town yesterday from Hollywood.

•

LOU BERG is recovering from injuries sustained in an automobile accident.

Insiders' Outlook

By SAM SHAIN

WHEN Alexander Korda starts his production activities in Hollywood this summer, Morris Helprin will go with him. Helprin will go to London first. This probably will be in about three weeks.

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Fred Ehrman, San Francisco financier and Lehman Bros. associate, will be a member of the new RKO directorate. Eherman is among the more brilliant younger men in Wall Street.

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Out of more than 250 leading advertisers, each of whom spent over $100,000 in magazine advertising, Paramount Pictures, Inc., largest of the film advertisers in magazines, for 1938 ranks 72nd. This is according to an exclusive compilation in *Advertising Age* and based on records of Publishers Information Bureau, Inc.

Five leading film companies aggregately in 1938 spent $1,087,615 in magazine advertising. That is considerably more than these five spent in 1937—$770,192. The companies and the amounts they spent in 1938 follow:

Metro-Goldwyn-Mayer	$153,899
Paramount Pictures, Inc.	369,454
Twentieth Century-Fox	174,482
United Artists Corp.	138,478
Warner Bros. Pictures	251,302

The 1937 amounts were:

Metro-Goldwyn-Mayer	$238,433
Paramount Pictures, Inc.	212,530
Twentieth Century-Fox	100,611
United Artists Corp.	104,957
Warner Bros. Pictures	113,661

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Peter J. Rathvon, investment executive and associate of Floyd B. Odlum of Atlas Corp., leaves for the coast within the next few days on business in connection with RKO. Rathvon has been mentioned as chairman of the future executive committee of reorganized RKO and will be a member of the company's new board of directors.

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While local trade agents for E. N. I. C., the Italian Government's film distributing monopoly, are unsuccessfully canvassing independent producers and distributors for product, one New York concern, handling a combination of foreign and domestic pictures of varying age, is just as determinedly hunting for the Italian representatives. It seems the New York firm has films in stock it is as anxious to dispose of as the Italian representatives may be to acquire product.

Meanwhile, the Italian representatives have been turned down by two leading independent producers and distributors.

▼ ▼

There has been no agreement at Paramount nor has the Paramount directorate decided to divorce production - distribution from exhibition.

Korda Starts Two On Coast in June

Alexander Korda, U.A. producer, will start his Hollywood production activities in June.

Korda returned by plane from Hollywood yesterday. With Irving Asher he is sailing for London on Saturday. Korda has his plans well in hand for the coming season. Execution of these will be determined in London after he and Asher arrive there.

At the present time the outlook is for Asher to have his duties broadened at the Denham studios, should Korda elect personally to direct his American production activities. Korda will make two pictures in Hollywood, as the trade knows.

He will make "Lawrence of Arabia" in London, but not for Paramount. Originally this picture was to be made in association with Paramount for the latter company's release.

Korda will return to America in about three or four months. His plans are not yet definite in this respect.

James Mulvey, eastern representative for Samuel Goldwyn, and Emanuel Silverstone, Alexander Korda's representative, returned yesterday from the coast meetings.

Maurice Silverstone is remaining on the coast another week.

Cole Sees Changes In Film Methods

(*Continued from page* 1)

dency of National Allied for the West Central States, Col. Cole said, and other vice-presidents will be appointed later.

Allied's new president says Allied plans to add new units, and he mentioned Kansas, western Missouri, Iowa, Nebraska and possibly Arkansas as territories which may form units this year. It now has 21 units. Organization in the south and Pacific Coast will come later.

Col. Cole believes that under the proposed self-regulation system, exhibitors will find it practical to work through local organizations. He anticipates this will result in new exhibitor groups and stimulate Allied's expansion.

'Hunchback of Notre Dame' Goes to RKO

HOLLYWOOD, Jan. 23.—RKO today purchased "The Hunchback of Notre Dame" from M-G-M which had acquired the rights from Universal. The picture will be the largest on RKO's schedule, according to Pandro S. Berman, production head.

Today's Mail

EDITOR OF MOTION PICTURE DAILY:

I have just finished reading the third and last instalment in the *Journal-American* of Adele Rogers St. John's impression of all the motion picture stars covering a period of 25 years. And while I believe, as the world who kissed the cow, that all things and life are a matter of taste plus viewpoint. . . . It appears that Miss St. John has concentrated chiefly in stars of yesteryear. Then pictures were in their infancy. . . . Talent and real art lives and artists are to my mind first and last individuals. There are numberless stars who tug at one's heartstrings, not only two or three. No industry could live through the years with so limited a number and keep the public's appetite and desire alive. It appears to me that the following men, not mentioned by Miss St. John, are tops: George Arliss, Lionel and John Barrymore, Paul Muni, Ed Robinson, Tyrone Power, Mickey Rooney, Henry Stephenson, Errol Flynn, Adolphe Menjou, Charles Laughton, Frederic March, James Cagney, Basil Rathbone, Lewis Stone, Nelson Eddy, Spencer Tracy, John Garfield, Fred Astaire, Freddie Bartholomew, all endowed with definite ability, plus fame and success.

And the women of the screen—Garbo, Crawford, Swanson or Bette Davis, are mentioned. How about Luise Rainer, Jeanette MacDonald, Norma Shearer, Constance and Joan Bennett, Myrna Loy, Edna Mae Oliver, May Robson, Helen Westley, etc., etc., all who have contributed, and still do, a world of joy and entertainment to their public. Not forgetting Temple, Garland, Durbin, Withers and others.

SALLY SILVERMAN.

EDITOR OF MOTION PICTURE DAILY:

Motion Picture Daily's survey on the nationwide chance game situation is the most constructive thing of its kind ever undertaken in the industry.

It gives the industry an opportunity to guide itself in considering the advisability of eliminating a needless outgo of money which rightfully should remain in the industry.

The survey is invaluable in showing what is happening throughout the country. It fills a real need.

WILLIAM BRANDT.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"JESSE JAMES"

BEAT "ALEXANDER" IN 19 OUT OF 21 SPOTS SO FAR OPENED!

BALTIMORE	OKLAHOMA CITY
FORT WORTH	KANSAS CITY
CLEVELAND	HOUSTON
DALLAS	TULSA
NEW HAVEN	BRIDGEPORT
ST. LOUIS	DETROIT
MIAMI	SCRANTON
HARTFORD	SALT LAKE CITY
NEW YORK	LOS ANGELES

PORTLAND, ORE.

Close to "Alexander" at Stanley, Phila., and Comerford, Wilkes-Barre

●

THIS IS NOT PICKING "GOOD" SPOTS—THIS IS THE COMPLETE RECORD OF ALL "JESSE JAMES" OPENINGS TO DATE!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

LET US

The First Great Dramatic Hit of the New Year!



LIVE

MAUREEN HENRY

O'SULLIVAN • FONDA

RALPH BELLAMY

ALAN BAXTER • STANLEY RIDGES • HENRY KOLKER

Screen play by Anthony Veiller and Allen Rivkin

Based upon a story by Joseph F. Dinneen

Directed by JOHN BRAHM • Produced by William Perlberg

A COLUMBIA PICTURE



1938 Ticket Tax Revenue $19,661,337

WASHINGTON, Jan. 23.—Federal admission tax collections for the calendar year 1938 totaled $19,661,337, compared with $20,974,031 in 1937, a decrease of $1,312,700, the Internal Revenue Bureau reported today. Collections for the first half of the current fiscal year were placed at $10,314,574, compared with $11,454,017 in the corresponding half of the previous fiscal year, a decrease of $1,139,443.

Admission tax collections last December totaled $2,020,376, a slight gain over November's $1,985,127, but considerably below the $2,290,027 collected in December, 1937.

The trend of admission taxes was in keeping with other levies, the Bureau's December report showing only 19 taxes increasing in the past six months over the corresponding 1937 period while 49 showed decreases.

December collections in the Third New York (Broadway) District were $617,721, compared with $592,561 in November and $756,525 in December, 1937, the bureau reported.

Collections on box-office admissions were $551,291, against $668,327 in the same month of 1937, while receipts from free or reduced rate admissions dropped to $3,626 from $9,467; tickets sold by brokers, to $10,558 from $18,300; tickets sold in excess of established prices, to $1,338 from $2,441, and admissions to roof gardens and cabarets, to $49,608 from $57,985.

Connery Is Elected By New York Allied

ALBANY, Jan. 23.—Mitchell Connery of Ravenna, head of the Connery circuit, was elected regional vice-president at a meeting of New York Allied's Albany unit here today. A formal organization luncheon will be held here Feb. 6.

Representatives of 25 theatres at the meeting agreed to set up a three-man grievance board which will meet monthly. No action was taken on pending legislation.

E. Thornton Kelly of New York, executive secretary of the state organization, presided. He said the organization has more than 400 members.

Kelly will attend a regional meeting of the unit at the Syracuse Hotel, Syracuse, on Wednesday.

N. J. Allied Meets

New Jersey legislative matters were discussed at a statewide meeting of New Jersey Allied yesterday at the Stacy Trent Hotel, Trenton.

Six Fellowships Are Given by Dramatists

Dramatists' Guild has awarded six $1,000 fellowships to young playwrights to assist them financially while they work on their next plays. Winners of the fellowships are Leopold Atlas, Alladine Bell, George H. Corey, Alis De Sola, Ben K. Simkovitch, and Arnold Sundgaard.

Awards are made under a grant from the Rockefeller Foundation. One previous fellowship has been granted, to Betty Smith.



CLAIRE TREVOR as Dallas . . a dance hall girl run out of town. She wasn't good enough for a respectable woman to ride with but before the journey's end, she had clutched the woman's baby to her breast and saved it's life.

Walter Wanger's "STAGECOACH" Directed by John Ford Released thru United Artists

Elman Celebrates 30 Years in Films

Henri Elman, president of Monogram's Chicago and Indianapolis exchanges, will celebrate his 30th year in the industry in connection with the Silver Jubilee for W. Ray Johnston, Monogram president, during February and March.

Chicago exhibitors are sponsoring a playdate drive for the Elman celebration.

Will Hold Services For Hulburd Today

Funeral services will be held today at Ambler, Pa., near Philadelphia, for Merritt Hulburd, 35, former production executive, who died Sunday at a West Palm Beach hospital of a heart ailment.

Hulburd left an associate editorship of the *Saturday Evening Post* to become story editor for Paramount in 1931. He was a member of the editorial board and later coast story head. In 1935 he joined Samuel Goldwyn as a producer. A year ago he quit production because of ill health and returned to the *Post*.

Last summer he felt his health had improved sufficiently, and agreed to return to Hollywood as a producer for David Selznick. He was never able to resume his new post. Last fall he underwent a major operation.

Winchell to Address A. F. A. Chorus Girls

Walter Winchell will address chorus and show girl members of the American Federation of Actors at a meeting at Edison Hall tomorrow. Sophie Tucker also will speak. In recognition of Winchell's promise to assist in the improvement of working conditions in night clubs, the chorus and show girl division of the A.F.A. will be known as the Winchell Chapter.

Lind Named Aide to Weeks at Monogram

Lloyd L. Lind has been named assistant to George W. Weeks, general sales manager of Monogram Pictures. Other changes at Monogram include the appointment of Ben Agren as comptroller to succeed J. P. Friedhoff, who has been transferred to the coast as treasurer of Monogram in Hollywood.

Schenck Quits Bank Post

HOLLYWOOD, Jan. 23.—Joseph M. Schenck, chairman of the board of directors of 20th Century-Fox, has resigned from the board of the Bank of America. Additional duties placed on him by his post as president of the Motion Picture Producers' Association was given as the reason for Schenck's retirement.

Catlett Fined $6,377

HOLLYWOOD, Jan. 23.—Federal Judge Jenney today entered judgment of $6,377 against Walter Catlett in favor of Paramount Pictures for the Actor's alleged failure to report for work.

Asher Will Devote Most Time to Col.

At Denham (London Films), Irving Asher, associated with Alexander Korda, will concentrate upon new pictures to be made by Columbia, under a prospective three-year deal which now awaits final discussion with Jack Cohn, who is on the coast. Under this [illegible] the Denham studios will make four pictures yearly for Columbia.

Harry Cohn favors this plan. It appears likely that Cohn will cast Cary Grant in one of these pictures, which Wesley Ruggles will direct. Hollywood writers will be added to the staff.

Harry Cohn, it is understood, favors expanding his company's British production. "Q Planes," made at Denham by Asher, is to be released in the United States. Another film made there is "Spy in Black."

Legion Approves 10 Of 11 New Pictures

National Legion of Decency approved 10 of the 11 films reviewed and classified this week. One was found objectionable in part, two unobjectionable for adults, and eight unobjectionable for general patronage.

The films and their classifications: Class A-1, Unobjectionable for General Patronage—"Boy Trouble," "Convict's Code," "Frontiers of '49," "The Mysterious Miss X," "Ride 'em Cowgirl," "Six-Gun Trail," "Symphony in the Mountains" and "Water Rustlers." Class A-2, Unobjectionable for Adults —"Boy Slaves" and "Son of Frankenstein." Class B, Objectionable in Part —"Heart of Paris."

Paul Whiteman Sued In Contract Action

Suit against Paul and Margaret Whiteman and Artists Management Bureau, Inc., for $8,250 damages was revealed in N. Y. Supreme Court when Benjamin Sonnenberg, plaintiff, filed notice that he would apply to the court for an order directing the defendants to testify before trial. Sonnenberg claims the breach on Oct. 22, 1938, of a one-year contract to act as publicity director for Whiteman at $250 weekly.

Branson on Drive Tour

Walter Branson, RKO mid-west district manager and "captain" of the company's George J. Schaefer sales drive which opens next Saturday, will leave New York today on a visit to eastern exchanges to advise the sales forces of plans for special drive activities. Exchanges to be visited by Branson this week include New Haven, Albany, Boston, Montreal, Toronto, Buffalo and Philadelphia.

Plan Simon Testimonial

NEW HAVEN, Jan. 23.—Local film district is planning a testimonial dinner to Ben Simon, 20th Century-Fox manager, on Feb. 7 at Racebrook Country Club, on the occasion of his 20th anniversary on the street. Harry F. Shaw, Loew-Poli division manager, will be toastmaster, and Barney Pitkin, RKO manager, is chairman, assisted by Thomas Donaldson, Edward Ruff, John Pavone, Morris Joseph, Lou Wechsler, Timothy O'Toole, Harry Gibbs and Earl Wright.

To Ban Whistling

Hollywood, Jan. 23.—NBC directors here are taking steps to eliminate whistling and stamping by audiences at the conclusion of broadcasts. Orders were issued by John W. Swallow, western division program director, for the staff directors to confer with agencies producing shows to make every effort to eliminate the disturbances.

CAB Opens Session With Contract Talks

TORONTO, Jan. 23.—Candian Association of Broadcasters opened in convention here today behind closed doors to discuss advertising agency contracts and commissions. Other sessions will include discussions regarding the policy of the Canadian Broadcasting Corp. with particular attention to the subject of freedom of speech which recently caused a flare-up in political circles.

The agenda also includes an important question dealing with the annual license fees imposed on broadcasting stations by the Canadian Performing Right Society, Ltd.

New WBRY Series

NEW HAVEN, Jan. 23.—Perry Lafferty, WBRY New Haven program super, has put on a new series called "Promising Personalities at Yale," inviting members of the different colleges to tell of their accomplishments and ambitions.

Hanscom in WHN Deal

WHN has sold daily United Press broadcasts to Gottfried and Hanscom Bakeries under a contract for 52 weeks which starts at once. The contract was handled by the Bud Roth agency.

Erwin Opens Agency

Arthur Erwin has opened his own advertising agency in New York and will specialize in the radio field. He is the brother of Vic Erwin, the network orchestra leader.

FCC Calendar

WASHINGTON, Jan. 23.—Plans for a three-way switch of radio facilities have been set before the Federal Communications Commission by WBBF, Evansville, Ind.; KFRU, Columbia, Mo., and KXOK, St. Louis.

As outlined to the commission, KXOK would change its frequency from 1,250 to 630 kilocycles, increasing its day power from 1,000 to 5,000 watts, taking over the channel now shared by the other two stations; WGBF would take the KXOK frequency, increasing its power from 500 watts night, 1,000 watts day to 1,000 watts night, 5,000 watts day, and KFRU would move to 1,370 kilocycles, decreasing its power from 500 watts night, 1,000 watts day to 100 watts night, 250 watts day.

Under the exchange of facilities, the St. Louis station would get an increase of day power, and the other two stations would obtain unlimited time.

Radio Personals

DEALERS of the Crossley Corp., about 1,500, attended the Casa Manana on Sunday where they saw a demonstration of facsimile radio receivers which they were informed will be available within a few weeks for the average home. Addresses were made by W. G. H. Finch of the Finch Telecommunications Laboratories, and J. R. Poppele, chief engineer of WOR . . . Martin Block of WNEW has turned song writer and is under contract to Irving Berlin . . . Nelson Eddy concludes his current season on the Chase & Sanborn hour Sunday . . . Eleanor Powell and Robert Young will offer a preview of their new picture "Honolulu" on the M-G-M show Feb. 2.

+

Bill Lewis, CBS vice-president, to Washington yesterday to attend the F. C. C. hearings, and thence to Hollywood for a combination business-vacation stay of three weeks. . . . Benny Goodman's orchestra is to be replaced on the Camel program by Bob Crosby's orchestra, according to a report yesterday.

Agency Heads Judge "Idea Mart" Program

HOLLYWOOD, Jan. 23.—A jury of agency radio heads and trade newspapermen sat in judgment on the first of 10 programs in NBC Coast Red network's "Idea Mart," which, heard on Friday nights, will present each week the program of one NBC program director who will have complete charge. From the jury's votes, the best three will be selected.

Representing the agencies are: Joseph Stauffer, Young and Rubicam; Danny Danker, J. Walter Thompson; Tiny Ruffner, Ruthrauff and Ryan; Tom Revere, Benton and Bowles, and Tom McAvity, Lord and Thomas. The newspapermen are: Jack Hellman, Bill Bloecher, Austin King, Dave Glickman, Murray Pennock and Vance King.

Abramson Drops His Suit Against Philco

Joseph L. Abramson, plaintiff in a $100,000 suit against Philco Radio & Television Corp., has filed stipulation of discontinuance of the action in the U. S. District Court. The plaintiff charges that the defendant induced Roskin Distributors, Inc., The Philco distributors in New England, to breach a contract whereby Abramson had been made general manager of Roskin.

Opticians on WNEW

Community Opticians has placed an order for 10 hours per week participation in WNEW's "Music Hall" program for a period of four weeks. Another new WNEW contract is for participation on "Kitchen Kapers" for 11 weeks by Peter Martori's Sons.

Carmichael Promoted

CINCINNATI, Jan. 23.—Cecil O. Carmichael has been appointed press relations director of the Crosley stations, WLW and WSAI, succeeding J. N. Bailey, promoted to supervising editor of the station's joint news rooms.

CBC to Build New $1,000,000 Studio

Montreal, Jan. 23.—Canadian Broadcasting Corp. plans a $1,000,000 studio building, to be erected in Outremont, suburb of Montreal. Details of the planned building have not been made available as yet.

Civic leaders have registered complaint, since the town is reserved for residential buildings. The Montreal City Clerk has sent a letter to each Outremont resident asking a vote on the matter.

CBC May Change Individuals' Rule

MONTREAL, Jan. 23.—Canadian Broadcasting Corp. is considering changes in its regulations to give persons with limited means equal opportunity with men of wealth in purchasing broadcasting time in which to express their views on public questions.

This assurance was given the House of Commons at Ottawa by C. D. Howe, Transport Minister, as a result of friction between the CBC and George McCullagh, publisher of the *Toronto Globe and Mail*. McCullagh, planning to speak on a national hookup, was refused time by CBC. When he attempted to buy this time from a network of private stations the CBC invoked its jurisdiction over all Canadian broadcasting and again forbade it. McCullagh eventually circumvented the ban by giving a microphone address over one Toronto station and recordings over the others.

In refusing McCullagh time on the air, CBC explained one of their regulations prohibited public expressions by individuals with commercial interests who could afford to buy air time while less wealthy people were unable to use the radio for such purposes.

Agency Changes Name

ATLANTA, Jan. 23.—The firm name of James A. Greene & Co., national advertising agency with headquarters here, will be changed to Tucker Wayne & Co., effective Feb. 1.

Drop Eno Account

Benton & Bowles, Inc., has dropped the Eno Effervescent Salt account.

Members of FCC Quizzed on Budget

WASHINGTON, Jan. 23.—Members of the F.C.C. today were called before the House Appropriations Subcommittee to discuss the commission's budget of $2,038,175 for the fiscal year beginning July 1. They are reported to have been questioned closely regarding their activities and the reported controversies which have slowed up their work.

Friction in the F.C.C. is expected to be explored also at hearings to be held on President Roosevelt's nomination of Commissioner Norman S. Case for another term, to be opened next week by Chairman Burton K. Wheeler of the Senate Interstate Commerce Committee.

The hearings were called as a result of the protest against Case by a group headed by Representative Connery of Massachusetts, longtime foe of the F.C.C.

U.S. Court Reverses FCC on Iowa Permit

WASHINGTON, Jan. 23.—The U. S. Court of Appeals has reversed the action of the Federal Communications Commission in granting a permit to the Dubuque, Iowa, *Telegraph Herald* for a new broadcasting station. The court held that the F. C. C. erred in failing to make any finding as to the economic injury which might be caused to WKKB, East Dubuque, as a result of the establishment of a new station in its area.

Suit was brought by WKKB to invalidate the commission's order.

Morse NBC Contract Renewed for 7 Years

HOLLYWOOD, Jan. 23.—J. Walter Thompson agency has renewed for seven years contracts of Carlton Morse, writer, and his "One Man's Family," NBC program in the interests of Standard Brands. It is one of the longest single renewal programs in the history of radio.

To Air Chicago Games

CHICAGO, Jan. 23.—P. Lorillard & Co., will sponsor the home games of Chicago's two major league baseball clubs, the Cubs and White Sox. The games will be carried by WGN.

Now! Rotary Stabilizer PLUS NEW SHOCK PROOF DRIVE

Lead parade of features in

New RCA PHOTOPHONE MAGIC VOICE of the SCREEN

Ask your representative for details.
Designed for any theatre—
regardless of size.

RCA PHOTOPHONE HIGH FIDELITY SOUND

7

OUT OF THE FIRST 20

chosen by 22,000,000 people in "King and Queen of the Movies" annual nation-wide poll

ARE 20TH CENTURY-FOX STARS!

Tyrone Power is "King"!...with 63% more votes than nearest contender in 1939 poll sponsored by New York Sunday News and more than 50 other key city newspapers, reaching 22,000,000 readers.

Other 20th stars in the select First Twenty are: *Sonja Henie, Loretta Young, Richard Greene, Shirley Temple, Alice Faye, Don Ameche.*

Power and Henie tops in New York! Readers of the N.Y. Sunday News, with its 3,250,000 circulation, voted Tyrone Power and Sonja Henie "King and Queen".

Richard Greene's record! Richard Greene, in pictures only since last April, took 5th place among all men stars!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 17 NEW YORK, WEDNESDAY, JANUARY 25, 1939 TEN CENTS

RKO to Show Profit In '38 Of $125,000

Plans for Board of 11 Members Almost Completed

RKO will show a profit for 1938. Current indications, subject to some final year end adjustments, are that a net of around $125,000 will be shown for the year after provision for approximately $700,000 on the company's six per cent debentures outstanding.

This showing would be equivalent to a net of more than $800,000 on the basis of the reorganized company. The new RKO will have no debentures outstanding. In addition, the result is achieved after a loss of $480,000 for the first half of 1938, indicating a net for the final half of around $600,000, after interest.

With agreements presumably reached on 10 nominees for a board of directors of reorganized RKO which in all probability will consist

(*Continued on page* 10)

ITOA Is Making NY Games Survey

Exhibitors in the New York metropolitan area are being asked their views on chance games by questionnaire sent to approximately 1,200 theatres by the I. T. O. A.

Information sought in the questionnaire is whether the games improved business at once and if they still draw business; if churches or social halls and the like play Bingo in the theatre's vicinity; if exhibitors find that patrons are tiring of games; the effect on nights when there are no giveaways; if exhibitors think games are profitable, considering the expense of prizes and the competition of club games, and if exhibitors would be willing to eliminate games if all games were eliminated.

Giveaway Study

In this issue *Motion Picture Daily* publishes another installment of a survey which it has made on chance games and giveaways around the country. The first installment was published on Monday Jan. 23. *Motion Picture Daily* invites reader comment on the subject—Page 8.

British Houses Pay $25,000,000 Taxes

London, Jan. 24.—C. F. Campbell, chairman of the National Provincial Bank, has estimated the weekly attendance in England at film houses as 2,300,000, or 20,000,000 annually. He estimated also that about $25,000,000 is paid annually in entertainment tax, and that the annual theatre receipts are about $250,000,000.

Loew's Shows Profit Of $9,924,934 for Fiscal Year '37-'38

Net profit of $9,924,934.46 is shown by Loew's, Inc., and wholly owned subsidiaries for the fiscal year ending last Aug. 31. This compares with $14,426,062 for 1936-37.

Operating revenues increased approximately $900,000 over 1936-37, while operating and general expense increased by more than $5,000,000, chiefly accounted for by amortization and write-off of film costs.

Operating revenues for the year totaled $122,737,214.06, as follows: theatre receipts, rentals and sales of films and accessories, $118,941,768.13; rent income, $2,567,300.59; miscellaneous, $1,228,145.34. The preceding year's operating revenues totaled $121,828,605. Increases were shown in theatre and film distribution revenue, with rent income slightly off.

$95,800,012 Expenses

Operating and general expense totaled $95,800,012, as follows: theatres and office buildings, including film rental expense, $31,904,530.56; film

(*Continued on page* 4)

ROOSEVELT URGES DISCARDING OF FCC

Audience of Notables Sees Miami Beach 'Gunga Din' Opening

MIAMI BEACH, Fla., Jan. 24.—RKO Radio Pictures gave Miami Beach its first world's premiere in three years here tonight with the opening of "Gunga Din" at S. A. Lynch's Sheridan Theatre before a distinguished audience, consisting of society, show people and a host of picture executives wintering here.

The picture which opened at $1.65 top was given a topnotch exploitation campaign by Harry Reiners of RKO here. Assisted by George C. Hoover, house manager, he made the opening one of the outstanding events of the season.

Among those noted in the house were Phil Reisman, Leo Spitz, Meyer Schine, Major Albert Warner, Eddie Mannix, E. J. Sparks, E. V. Richards, S. A. Lynch, W. R. Lynch, John Hertz, N. L. Nathanson, M. B. Shanberger, I. J. Hoffman, Ted Schlanger, Nick Schenck, Herman Robbins, Max Fleischer, Dave Fleischer, Carl Lesserman, Frank Rogers, Harold Wilkes, Hubert Lyons, Mrs. Joe Vogel, Ritz Bros., Damon Runyon, Jack Dempsey, Hannah Williams, Paula Stone, Dave Rubinoff, Lawrence Schwab, George Ade, Lee Schubert, Nick Kenny, Ted Lewis, Libby Holman, Fay Marbe, Larry Hart, Dick Rogers, Donald Flamm, Lou Holtz, Mrs. Louis Sobol, Dwight Fiske, J. R. Jarret, Joe Copps, Alice Moss, Alan Cross, Henry Dunn and Hildegarde.

In Letter to Wheeler He Asks New Body Be Set Up

WASHINGTON, Jan. 24.—President Roosevelt today moved to forestall a congressional investigation of the F. C. C. by asking Senator Wheeler, chairman of the Senate Interstate Commerce Committee, for legislation for setting up a new body to administer the broadcasting law.

In a letter to Chairman Wheeler, a copy of which went to Congressman Lea, chairman of the House Interstate and Foreign Commerce Committee, the President declared himself "thoroughly dissatisfied with both the administration and the "legal framework" of the commission.

The President's move is seen as his acceptance of the viewpoint of Chairman Frank R. McNinch, appointed by him last year to "clean up" the F. C. C. situation, that the present organization never will achieve sufficient unanimity of thought to develop an efficient administration communications act. McNinch is to confer with

Additional developments in radio are found on page 11.

(*Continued on page* 11)

Anti-Bigotry Bill Offered at Albany

ALBANY, Jan. 24.—Theatre owners and operators in New York State would be prohibited from renting their houses, and radio stations from selling time, to speakers whose utterances would be likely to arouse or spread racial or religious hatred, if a bill introduced in the legislature today becomes law.

The measure was introduced by Senator William Condon (Rep.) of Yonkers. Heavy penalties are provided for violations.

Brulatour Recovering From Gun Accident

Jules Brulatour, who was removed to Lenox Hill Hospital Sunday night suffering from a gunshot wound, was reported resting comfortably last night.

Attending physicians stated that the injury is not of a serious character and that early and complete recovery is expected.

"Gunga Din"

[*RKO*]

Taking Rudyard Kipling's famous poem of England's Indian army and a native servant who proved himself a man among men, RKO has fashioned a motion picture of enormous popular appeal.

Set with magnificent sweep against the broad panorama of towering hills and rugged cliffs and the wide plains of India, the picture tells the tale of three swashbuckling sergeants, the toughest in the regiment, and the part they play in bringing an end to the uprising of a band of murderous Hindu fanatics. The three are Victor McLaglen, Douglas Fairbanks, Jr., and Cary Grant, and they should mean a great deal to the showman when they are lighted on the marquee. Each of them plays his role to the hilt.

Laden with suspense, studded with pulse-quickening movement, the film has that most important basic ingredient of which showmen never can have enough—action—and offers it in sweeping portions. Added to

(*Continued on page* 4)

Purely Personal

ARTHUR M. LOEW, vice-president of Loew's in charge of foreign activities, leaves for the coast late this week, accompanied by LAUDY LAWRENCE, manager for Continental Europe.

•

RALPH BELLAMY and MRS. BELLAMY will arrive in New York from Hollywood by train tomorrow for a few days' visit here before going to Washington to attend the President's Birthday Ball.

•

BEN GREIFER, house manager of the Paramount, gave a cocktail party at his home Sunday. Among those present were BOB WEITMAN, C. L. OSWALD and many of the upper crust Paramount officialdom.

•

EDWARD G. ROBINSON, who has been here for the past two weeks on a combination business and pleasure trip, leaves for the coast today to make "Confessions of a Nazi Spy."

•

CHARLES SCHWARTZ, attorney for CHARLES CHAPLIN, has returned from the United Artists meetings on the coast.

•

BOB HALL, San Francisco correspondent of MOTION PICTURE DAILY, is back at work after a session of the flu.

•

STANLEY W. HAND, of Altec Service, has returned to New York after a tour of the south and middle west.

•

BENJAMIN PEPPER, of O'Brien, Driscoll & Raftery, is confined to his home with a cold.

•

JACK COHN, Columbia vice-president, is expected back from Florida tomorrow.

•

DAVID BARRIST is opening new showrooms in Philadelphia and New York, Jan. 30.

•

HORTENSE SCHORR, Columbia publicity manager, is back at her office after a siege with a cold.

THE MERCURY



OVERNIGHT TO LOS ANGELES

Fly the Southern SUNSHINE route overnight to Los Angeles. Through service. No change of planes. Giant SKYSLEEPERS. Complimentary meals served by stewardesses.

Mercury Lv. 5:10 p. m. (*only 3 stops*)
Southerner Lv. 10:45 p. m.

FOR RESERVATIONS: Call Your Travel Agent or VANderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave., and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.

Insiders' Outlook

By SAM SHAIN

GERMANY is risking the withdrawal of American films. Dispatches from abroad indicate that the German Government is tacitly providing encouragement for a boycott of American product. According to recent dispatches from Berlin, none of the first run theatres in that city is showing an American picture. Even now it is difficult to do even ordinary business in Germany, and most of the American companies which are doing business in the Reich cannot withdraw exchange from the country. And so it appears to be a distinct possibility that in the near future American firms might decide to withdraw from Germany, just as they have withdrawn from Italy.

▼ ▼

DIETZ MAKES A SPEECH

Howard Dietz addressed the New School for Social Research the other night and he had some interesting things to say regarding motion pictures. Dietz expressed the belief that motion pictures are honestly trying to portray true modern social trends.

"Films do not deal with the causes of crime," he said. "They deal with the effects of crime. Correct the fictions in the law, before correcting the fictions in the films! An artist is not required to solve a social problem —merely to state it."

The M-G-M advertising and publicity director disagreed with the belief held by some that foreign films are superior to American product. To Dietz, part of the popularity of certain foreign films is due to the fact that the change from American films relieves critics' tedium.

He also discussed games, upon which subject he expressed himself thus:

"Games are a direct manifestation of the overseated condition of the American movie—just like Macy's selling books below the publishers' price."

Upon the E. N. I. C. film situation Mr. Dietz thinks that the dissatisfaction which Italian audiences will experience with Italian product will bring back the American pictures to the Italian market upon good terms.

▼ ▼

Loew's has "The Dollar Club." It was started several years ago by Oscar A. Doob. Membership in the club is obtained by theatre managers or their staffs when some promotional idea created by one of them results in a net profit of more than $100 to the circuit. One of the conditions attached to membership qualifications is that the stunts must be such to which actual ticket sales can be traced.

Now it is learned that the "Dollar Club" stunts for 1938 brought over $21,000 extra business to the circuit. It is also learned that in 1937 the total was $18,000.

▼ ▼

SHADES OE MAX BAER!

The United Press, from Rome, reports that Primo Carnera, former world's heavyweight champion, will appear in an Italian film, "The Dark Crossing."

▼ ▼

United Artists is spending $125,000 to advertise Walter Wanger's picture, "Stagecoach," which was directed by John Ford. This amount does not include appropriations for a local billboard campaign. A contract for 100 boards was signed yesterday, and for the first time there will be a four-week advance billboard show on the picture. Additionally, double size street car cards in 111 cities have been signed for.

▼ ▼

Did you know that there is a theatre in San Antonio which charges only two cents admission?

▼ ▼

It would be no surprise were Lynn Farnol to name Al Margolies to succeed Ben Washer, as publicity manager of United Artists. Washer, who resigned, will be associated with George Abbott, in legit.

▼ ▼

Some of the boys were sitting around in one of those east-side spots, the other night, talking shop. Mention was made of the Goetz brothers, who are so actively employed in the business, and A-Mike Vogel spoke up:

"Them that Goetz gets."

★ *Fly United's DeLuxe* ★

MAINLINERS TO CHICAGO!



8 fast flights daily— all over shortest route!

To CHICAGO — 4 hrs., 55 min.!

★ Mainliners are tops in luxury and comfort! Only United flies the famous deluxe Skylounge Mainliners on non-stop flights—leave 12:15 p.m. or 5:20 p.m. Low round-trip rates! Reservations: 58 E. 42nd St., MU. 2-7300. Or travel bureaus, hotels.

UNITED AIR LINES

★ *The Main Line Airway* ★

Today's Mail

Sees Survey Constructive

EDITOR OF MOTION PICTURE DAILY:

To us who have been hoping to see the end of giveaways and money games in all theatres and especially in the New York area, your survey of the games and giveaways situation nationally was extremely interesting. I am sure that the deeper you go into this survey, the more evidence you will find that so-called "games" are harmful to theatres in the long run.

"Games" came into vogue during frantic efforts to meet depressed conditions. They were unwise even then but seemed to offer some relief. However, the cure has now developed into something worse than the disease.

The more facts you can present on this situation the sooner we may get action in New York.

Let's stick to "Showbusiness."

CHARLES C. MOSKOWITZ

B & K Counsel Ask To Limit Questions

CHICAGO, Jan. 24.—A petition for limitation of questioning will be presented to Federal Judge Igoe tomorrow morning in the suit of independent theatre men against B & K and other majors. Defense attorneys are seeking statements of profit and loss from exhibitor plaintiffs.

Screen Writers File 10 New Complaints

HOLLYWOOD, Jan. 24. — Ten additional complaints were filed here today by members of the Screen Writers' Guild charging the major studios with failure to bargain collectively and coercion and intimidation of guild members.

Bargain Battle!

Chicago, Jan. 24.—In the battle for Loop business, Jones, Linick & Schaeffer today announced double features and eight acts of vaudeville for their Oriental.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1938 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A MONTH OF SUNDAYS!



A prominent exhibitor said:

"Without M-G-M this past year, it would not only have been tough sledding for the average exhibitor, but it would have been nothing short of a calamity."

We announce easy sledding again this year, for M-G-M exhibitors!

Hop on your sleds, boys! "SWEETHEARTS," "STAND UP AND FIGHT" are just samples.

Followed by A MONTH OF SUNDAYS!

Honestly, have you ever in your career as a showman witnessed the like of this:

Four weeks in a row! Look!

NORMA SHEARER, CLARK GABLE in the powerful "IDIOT'S DELIGHT".

"HONOLULU", the Darling of Musicals, starring ELEANOR POWELL, ROBERT YOUNG, GEORGE BURNS, GRACIE ALLEN and Hundreds of Hula Honies.

MICKEY ROONEY, the box-office kid himself in "Adventures of HUCKLEBERRY FINN".

JOAN CRAWFORD in a million dollar role "ICE FOLLIES of 1939" with James Stewart, Lew Ayres, Lewis Stone.

And more easy sledding thereafter!

Skouras to Preside At National Meeting Opening on Monday

Los Angeles, Jan. 24.—Spyros Skouras, head of National Theatres, will preside at a two-day meeting of circuit executives here next Monday and Tuesday. He arrived today from New York.

Attending the meeting will be five division managers, including Rick Ricketson, Denver; Arch Bowles, San Francisco; E. C. Rhoden, Kansas City; Frank Newman, Seattle, and Harold Fitzgerald, Milwaukee.

Others attending will be Al Finkelstein, Portland district manager; John Healy, assistant to Spyros Skouras, and others on the coast.

New season film buying and policies are among matters to be discussed. Skouras will remain here another two weeks, supervising the west coast division in the absence of his brother, Charles, who is abroad.

William Powers, National Theatres head film buyer, and Ed Zabel, film buyer, left New York last night for the coast conferences.

Loew's '38 Profit Totals $9,924,934

(*Continued from page* 1)

distribution, $12,596,772.70; amortization and write-off of film costs, $42,808,845.35; film advertising accessories, $896,000.46; outside producers' share of film rentals, $5,663,057.06; general and administrative, $1,930,805.96.

Common stock dividends totaled $5,596,593.50 on 1,599,053 shares outstanding. Common stock dividend the year before was $13,445,129. Preferred dividend was $888,693 on 136,722 shares, the same, of course, as the preceding 12 months.

Undistributed income from partly owned corporations dropped from $92,345 at the end of the 1936-1937 year to $6,764.

$4,527,127 Cash in Hand

Cash in bank and on hand was $4,527,127 on Aug. 31. This includes $861,766 in foreign banks subject to export restrictions, reduced from $1,428,088 the year before.

Inventories, at cost, are carried at $37,170,695, an increase of $3,515,000, and divided as follows: film productions in process, $17,725,779; productions completed but not released, $5,397,814; productions released, after amortization, $14,047,101.

$3,500,199 in G.-B.

The company's investment in Gaumont-British is listed as $3,500,199, which is included in $4,704,232 investments in and advances to allied companies.

Among other investments, the company has $739,977 in foreign Government bonds.

Fixed assets are: land, $28,537,636; buildings and equipment, $67,908,097; leaseholds, $5,497,562; total, $101,943,296, less $27,793,288 reserve for depreciation. Among the deferred charges is $535,002 for preliminary and development expense in the foreign field.

Hollywood Preview

"Idiot's Delight"

(M-G-M)

Hollywood, Jan. 24.—Robert E. Sherwood's Pulitzer Prize play comes to the screen in slightly modified form as an intensely interesting vehicle for Clark Gable, Norma Shearer, Edward Arnold, Burgess Meredith and half a dozen other players of marquee importance. Sherwood wrote his own screenplay and M-G-M put Hunt Stromberg in charge of production, with Clarence Brown directing. The result is a stimulating screen experience for adults.

As is rather well known, the play places a mixed company of individuals in a mid-European winter resort hotel on a day when the world happens to start an unannounced general war. Gable is a hoofer, present with half a dozen dancing blondes. Miss Shearer is present as the momentary suite companion of Arnold, the arms merchant who has supplied the warring nations with their martial equipment. Meredith is a self-ordained apostle of peace who gets shot down for voicing his views. News seeps in of the capital's being bombed and, when it is made known that retaliatory bombing of a nearby airport will incidentally demolish the hotel, Arnold arranges for his paramour, who has irked him by mildly criticizing his occupation, to be left behind to certain death.

Gable, who has recognized her as his overnight partner of years agone in an Omaha episode of still warm memory, remains to meet death with her. But both live through the bombing.

Gable's performance is superb all the way and Miss Shearer's portrayal of the imaginative opportunist matches up snugly. The film contains several intervals of rich comedy in which Gable dances with a male chorus, with a girl chorus and, briefly, with a male partner. Miss Shearer also has some humorous moments.

The picture is adroitly produced in every particular and care has been exercised to avoid offending any nation by name. The point of it is, of course, that war is detestable and that the manufacture of arms is one of its chief causes. The film has, therefore, a certain reverse timeliness just now in view of the proposals for armament appropriations currently before Congress.

Running time, 100 minutes. "A." Roscoe Williams.

**"A" denotes adult classification.*

New York Preview

"Gunga Din"

(*Continued from page* 1)

that are the extraordinary production values of a really "big" picture, and the action is thereby enhanced to the point where the showman can "go to town" in his selling.

George Stevens, who directed, made the most of the material given him by the screenplay of Joel Sayre and Fred Guiol, and the story by Ben Hecht and Charles MacArthur.

Of love interest there is little, and that was wise, since it would have served only to retard the smooth flow of action. Fairbanks, Jr., intends to quit the army and marry, thus deserting his two pals, but thinks better, and that is the extent of it. But there is a world of romance in the picture, the romance of adventure and crashing action.

The comparatively small cast of principals has chiefly in support Sam Jaffe, in the title role as the native servant, whose greatest desire is to be a soldier with his three beloved sergeants, and who proves his worth by sounding the alarm as the troop is about to be ambushed in attempting a rescue of the four, held by the Hindu band. Jaffe's performance ranks high, while Eduardo Ciannelli, as the leader of the fanatic murderers, is properly sinister.

Highlighting the film, which has its few moments of splendidly turned comedy, are the action scenes of the charge of the mounted soldiers of the king, as they sweep down on the enemy forces, the impressive scenes in the "golden" temple of the band, during the worship of the idol, the scenic effect as the rescue troop marches into ambush, and the colonel's reading of Kipling's poem over the body of the dead servant. Kipling is a correspondent visiting the garrison.

It is a picture carved for popular consumption, and in that purpose, it must certainly serve with admirable box-office results.

Running time, 117 minutes. "G."* Charles S. Aaronson

**"G" denotes general classification.*

'Paris Honeymoon' At Paramount Today

"Paris Honeymoon" opens today at the Paramount with Bob Crosby and his band heading the stage show. Third week of "Zaza," with Benny Goodman on the stage, grossed an estimated $26,000. "Son of Frankenstein" is due at the Rivoli Saturday. "The Beachcomber" continued to do good business and finished its [illegible]rth week with an estimated $18,000.

At the Rialto "King of the Underworld" grossed an estimated $14,000 in 10 days. "Grand Illusion" started its 20th week at the Filmarte yesterday. "They Made Me a Criminal" will be held over at the Strand.

"Gunga Din" will go into the Music Hall and "Stand Up and Fight" into the Capitol tomorrow. "Jesse James" is continuing indefinitely at the Roxy. "The Girl Downstairs" begins at the Criterion today.

Air Film Critics Organizing Here

Radio Film Critics Circle will be organized Friday at a meeting of the local radio film commentators. A preliminary session was held yesterday at the Edison. A code of ethics for radio film commentators is one of the first orders of business.

Attending yesterday's meeting were Martin Starr, WMCA (Intercity Network); Radie Harris, WOR (Mutual); Martin Weldon, WINS; Dave Lowe, WNEW; Sam Taylor, WHN; Mrs. James F. Looram, WBNX, and 26 other stations; Sidney Kaufman, WQXR; Mary Bryan, CBS reviewer. A representative from NBC and others who did not attend yesterday will be invited to Friday's meeting.

Grainger Addresses Ampa Tomorrow

James R. Grainger, president of Republic Pictures, will address the Ampa at its luncheon meeting at the Astor tomorrow.

Leota Lane, one of the Lane sisters, will head the entertainment program. She is under contract to the Metropolitan Opera and is scheduled to appear at the Music Hall soon. Mickey MacDougal, "card detective," will perform card tricks.

Plan Film House on Cohan Theatre Site

Specifications were filed yesterday by Walker & Gillette, architects, for permission to construct a 600-seat film house in a three-story building on the site of the old George M. Cohan theatre which is now being demolished. New York Life Insurance Co. owns the property.

Baldwin Refugee Fund Net $125,000

London, Jan. 24.—Contribution of British film houses to the Baldwin Refugee Fund from their performances on Jan. 14 is estimated at $125,000.

THE MONSTER ROAMS AGAIN!

Scares the country into new Box office records..... Holds over's every opening date!

Keiths Memorial, Boston, HOLDS OVER
Hillstreet, Los Angeles, HOLDS OVER
Pantages, Los Angeles, HOLDS OVER
Hippodrome, Cleveland, HOLDS OVER
Keiths, Baltimore, HOLDS OVER
Keiths, Washington, HOLDS OVER
Lafayette, Buffalo, HOLDS OVER
Byrd, Richmond, HOLDS OVER



The Menace of
BASIL RATHBONE!



The Fright of
BORIS KARLOFF!



The Horror of
BELA LUGOSI!



The Hate of
LIONEL ATWILL

Basil RATHBONE
Boris KARLOFF
Bela LUGOSI
Lionel ATWILL

SON OF FRANKENSTEIN

SEPHINE HUTCHINSON DONNIE DUNAGAN Emma Dunn Edgar Norton

Original screenplay by Willis Cooper • Produced and directed by ROWLAND V LEE

UNIVERSAL

A ROWLAND V. LEE Production • A NEW UNIVERSAL PICTURE



REPRODUCTION OF ADVERTISEMENT IN M. P. DAILY JANUARY 12

Our Hat's Off to Warner Bros!

And why shouldn't we congratulate Warner Bros. on this ticket-selling trailer!

After all . . . our entire business life for twenty years has been exclusively dedicated to helping the exhibitor boost his ticket sales.

Any and every trailer that accomplishes this purpose, whether furnished by us through the co-operation of our producer distributors . . . or made by any company that distributes its own trailers, helps the exhibitor.

That, after all, is the purpose of the trailer . . . and that is why our hat's off to Warner Bros.

NATIONAL Screen SERVICE

Prize Baby of the Industry!

Authorities Differ on Legality of Games

Trick Ads on Giveaways Run By Newspapers

Cleveland

Population, 900,429; six first runs, 15,300 seats, 30c-50c; 98 subsequent runs, 100,000 seats, 10c-30c. First runs are clear of chance games, but independent subsequents and neighborhoods have been using them for four years, including Bank Night, Screeno, Bingo, Movie Sweepstakes, Ten-O-Win, Wahoo, Cash Night and Prosperity Night. Total yearly take at peak was, $250,000. Only five subsequent runs have no give away. Premiums are on the increase.

Majority of exhibitors say games have been profitable, but some differ. Practice seems to be strongly entrenched here, and exhibitors are looking for new schemes. They might be induced to eliminate games if assent was 100 per cent and non-theatrical places also discarded them. Non-theatrical games are extensive, especially at churches, where Bingo predominates. Exhibitors say their use of games has no bearing on churches, lodges, etc., one way or another. Bank Night users were presecuted when it was first introduced, but the courts ruled it "no lottery." A mild attempt to stop Bingo at beer parlors failed. Non-theatrical games do not give unusually big prizes. Newspapers do not carry ads on theatre or club games. Lobby and marquee signs are the only advertising media.

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Elsewhere in Ohio

Games have been found to be a strong patronage builder in the Cincinnati (Kentcky-Ohio) territory, and theatres intend to continue them as long as there is public demand. Nine of the 11 theatres of the Northio circuit, a Paramount subsidiary, in four Ohio and Kentucky situations conduct various games. The circuit asserts it was forced to the practice in "self defense" against fraternal and church organizations which promoted petty chance schemes. Northio theatres adopted games about three years ago and are now strongly entrenched.

Racketeers have taken over the games in some parts of Ohio, and chances are sold in drugstores and fountains with guarantees that coupon buyers will be represented in theatres. Theatres are doing nothing against this. They find the schemes help business.

Sweepstakes run at first run in Hamilton (1,500 seats) and Bank Night at the two second runs. The Middletown first run has Bank Night, and the two Marion theatres Sweepstakes and Wahoo. Two theatres in Danville, Ky., run Prosperity Club. Policy has been in effect three years or more in these towns. Accumulated prizes run as high as $800 or $900. Theatres distribute from $1,000 to 2,500 a year, with Sweepstakes running as high as $5,000. There are merchandise giveaways, including automobiles, in tieups with stores.

Trailers are used mostly to advertise the games. Newspapers take subterfuge ads, but direct advertising is permitted on non-theatrical Bingo for charity. Palace Theatre, Marion, was raided, but jury acquitted defendents and Sweepstakes was resumed.

In Alliance, O., three theatres play Bank Night. Churches and clubs do not have games, and exhibitors feel their games do not encourage adoption of the practice by clubs, etc. Exhibitors intend to continue the practice, and authorities have made no attempt to stop games. Newspapers do not carry ads on games.

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Westport, Stratford, Conn.

Population, 6,075 and 19,220, respectively; one first run in each, seating 550, 30c top; no subsequents. Both theatres consider their patrons too sophisticated and "class" for chance games or giveaways. Nearby towns have chance games, but their competition to Westport and Stratford is not keen. Stratford has non-theatrical Bingo, and the local exhibitor says it hurts the box-office.

New Haven

Population, 165,000; four first runs, 9,087 seats, 25c-50c; 23 subsequents, 14,500 seats, 15c-25c. State Supreme Court banned all games in March, 1938. They had been in effect for three years. Merchandise giveaways increased since the ban. First runs here did not play games, but 21 subsequents did, with $27,000 estimated annual "take." There were few Bingo parties at churches, etc., before theatres adopted games, but subsequently every Catholic church and most organizations, especially Knights of Columbus, Elks and other lodges, began running games. After theatres were forced to drop games, they continued at churches for a while, but have been stopped entirely. Many theatres claim they are not doing so well, and they complain of losses. Games enabled them to play slough films on money nights and many booked additional films from independent exchanges for this purpose. Most houses would reinstate games if permitted by law.

By SAM SHAIN

Law makers and enforcement authorities are at variance on the question of legality of chance games.

In Connecticut a bill is pending to legalize giveaways under sponsorship by civic, educational, charitable, fraternal or religious groups. Such a bill favors churches over theatres. In New Hampshire there is also a bill pending, the purpose of which is to legalize games.

There is a long record of court cases involving Bank Night and similar games.

Not long ago Boston authorities banned Bank Night. The city, however, permits certain charity games under licensing fees. Boston theatres, churches and fraternal organizations give away an estimated $250,000 yearly.

Birmingham, Ala., authorities have been militant against chance games. About a year ago Bank Night and similar games were held to be lotteries. There were several arrests. As a result the state is partly rid of the games.

Instances are widespread of complaint that theatres and others operating games have withheld prize money from patrons, and that in many cases throughout the country the games are not conducted honestly.

In Nashville, recently, a patron went to court to collect a prize from a local theatre. It was the manager's contention that the number drawn had been switched on him. However, the court found against the manager.

GAMES LEAD TO COURT ACTION

Unscrupulous patrons, realizing potential legal risks engendered by operators of the games, often bring suits charging fraud and asking for refund of admissions in the hope of obtaining a pay-off.

There was a case in a middle western city where a patron who did not win in a Sweepstakes game at the local theatre, brought suit against the house, asking for exemplary damages and refund of admissions paid over a particular period. The plaintiff charged the theatre was conducting a gambling game. This action, and another of similar nature filed by a second patron, are pending.

In Somerville, Mass., suburb of Boston, six halls are necessary for a fraternal group to accommodate its patrons twice a week at one of these games. The attendance sometimes reaches above 5,000 persons.

In Reading, Pa., private groups, professional operators and charitable societies have taken the play almost entirely away from theatres. There are between 15 and 20 games operating nightly in this town. Newspapers carry over a half page of advertising on these games, in special editions which are not mailed out of town. The first run houses in Reading have not resorted to games. Subsequents in lesser downtown houses, however, are trying to combat the cash games by using giveaways. Display space around such theatres is mostly devoted to advertising giveaways, the show taking secondary display notice.

Games Often Are Basis of Fraud Action

Topeka

Games virtually have been abandoned in Kansas since the State Supreme Court in 1936 held Bank Night and similar devices illegal. The attorney general has been fairly active in ridding the state of so-called lotteries. Exhibitors would use them if permitted by the authorities. They claim business has been off because of the elimination.

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Neosho, Mo.

Population, 4,000. Hugh Gardner has two theatres here, in the Kansas City territory. He used games at both with excellent box-office reaction, but the county attorney banned them in a drive against gambling. Business has suffered. There were slot machines in the town before the anti-gambling drive, but no club or church games.

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Grand Rapids

Population, 200,000; three first runs, 4,000 seats, 20c-40c; 27 subsequent runs, 14,000 seats, 10c-25c. Games are confined to four subsequents, with total of 2,000 seats. Butterfield Theatres, Inc., a Paramount partner, by taking a firm stand against games, has kept them down. No increase is in prospect. The nearby area is free from such stimulants. Non-theatrical Bingo and such have been curbed by the authorities, and they are not as prevalent as formerly. They used to hurt theatre business.

[This is the second of a series of articles surveying the giveaway situation in the country. The next will appear in an early issue.]

Bingo Draws Final Breath in Ontario

Toronto, Jan. 24.—Bingo apparently has given its last kick before passing out in Ontario, the final convulsion occurring when Magistrate Burbidge imposed a fine of $100 on Angus Secord, a Bingo promoter who was convicted on two lottery charges. Counsel for the prosecution claimed that the accused had been operating in direct defiance of the law and asked for an exemplary penalty. Harry F. Hazell, lawyer for the defense, intimated there would be no appeal and the Bingo parlors have been closed for keeps.

Picture Exports to Canada During 1938 Improved Over 1937

WASHINGTON, Jan. 24.—Exports of motion picture film to Canada last year showed further improvement, in contrast with the downward trend in trade with that country generally, the Department of Commerce has reported in a review of U. S.-Canada trade.

The department's conclusions were based on figures for the first 10 months of 1938, in which shipments of motion picture film totaled 18,064,000 feet, valued at $573,000, compared with 17,445,000 feet, valued at $545,000, in the corresponding period in 1937.

Imports of unexposed film from Canada, however, decreased, totaling 127,124,000 feet, valued at $957,000, against 138,089,000 feet, valued at $948,000, in 1937, for the 10-month period, the department reported.

Examination Sought In Ticket Code Case

N. Y. Supreme Court Justice John E. McGeehan will hear today an application filed yesterday by Michael Atlas and Walter Friedman, doing business as Acme Theatre Ticket Office, for an order directing James F. Reilly, as executive secretary of the League of N. Y. Theatres, Inc., and Paul Dulzell, as executive secretary of Actors Equity Association, to submit to examination before trial, in connection with its attempt to restrain the enforcement of the Code for the sale of theatre tickets.

Acme will ask the court to require the defendants to testify as to the personnel and membership of the League, and the circumstances surrounding the drafting of the Code. Trial of the suit has been set for Feb. 14.

Roxy Is Reorganized, Trusteeship Ended

Howard S. Cullman was discharged from his office as trustee of Roxy Theatres Corp. yesterday in an order signed by Federal Judge Francis G. Caffey who at the same time terminated the Roxy Theatres reorganization proceedings, stating that the company had "fully consummated" its plan of reorganization. The Roxy was acquired by 20th Century-Fox under the reorganization plan and is operated by that company.

The order, which was based upon the final report of Mr. Cullman, confirmed that report and provided for the immediate discharge of the company from all its debts and liabilities, and for the termination of all rights and interests of its stockholders.

Bars Injunction in Principal Film Case

Appellate Division of the N. Y. Supreme Court yesterday reversed an order which granted Superior Talking Pictures and Stage & Screen Productions a temporary injunction and a receiver against Principal Film Exchange. The court ruled that the lower court had erroneously granted the order. Trial was set for Jan. 30.

Out Hollywood Way

HOLLYWOOD, Jan. 24.—Universal has assigned ROWLAND V. LEE to produce and direct "The Sun Never Sets," story of the British consular service which will star BASIL RATHBONE. It is budgeted at $800,000, according to the studio. W. P. LIPSCOMB will do the screenplay . . . PAT O'BRIEN, WAYNE MORRIS, ROSEMARY LANE, JANE BRYAN and RONALD REAGAN will top the cast of "The Fighting Irish," which Warners will make on the life of the late KNUTE ROCKNE. LLOYD BACON will direct . . . Paramount has changed SHIRLEY LOGAN's name to JANICE LOGAN . . . DOROTHY LAMOUR, AKIM TAMIROFF and ROBERT PRESTON draw the top roles in Paramount's "Disputed Passage," from the LLOYD C. DOUGLAS novel. HARLAN THOMPSON will produce and ANTHONY VEILLER will do the screenplay.

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RKO has purchased "The Spellbinder," original story by JOSEPH ANTHONY, which CLIFF REID will produce . . . TOM BROWN has been signed by EDWARD SMALL to a term contract calling for two pictures a year . . . M-G-M has bought "6,000 Enemies," story by WILSON MENARD and DR. LEONIDES STANLEY, the latter prison surgeon at San Quentin. It concerns the tale of a district attorney incarcerated in the same prison to which he has sent countless men. BERTRAM MILHAUSER is doing the script . . . Warners will release "Sweepstakes Winner" on March 26 to tie in with the running of the Irish Sweepstakes . . . FRANKLYN WARNER, president of Fine Arts Pictures, producing for Grand National release, is preparing three pictures to start this month. They are "Panama Cipher," featuring LEON AMES and CHARLOTTE WYNTERS and second of the "Cipher" series; "Full Speed Ahead," to be directed by JOHN RAWLINS, and the third, as yet untitled, to be based on early Indian wars when the French and the British were fighting for the possession of the American colonies.

KENT TAYLOR will play opposite GRACIE ALLEN in "The Gracie Allen Murder Case" at Paramount . . . An unknown girl, MARY HAYWARD, former New York model, has been signed by Paramount and will make her debut as the feminine lead in "Beau Geste" . . . Universal will team GEORGE MURPHY and DOROTHEA KENT in "Risky Business," from an original screenplay by CHARLES GRAYSON.

+

Casting—WENDY BARRIE to "The Hound of the Baskervilles," 20th Century-Fox . . . JEROME COWAN to "East Side of Heaven," Universal . . . JUDITH ALLEN has been signed by BENNIE ZEIDMAN to be featured in "The Great Diamond Mystery" and "Ladies in Prison" . . . JOHN CARRADINE has been borrowed from 20th Century-Fox to play in Roach's "Captain Fury" . . . VIRGINIA GREY to "The Hardys Ride High," M-G-M . . . PHYLLIS BROOKS, KANE RICHMOND, PAULINE MOORE and SLIM SUMMERVILLE to "Charlie Chan in Reno," 20th Century-Fox . . . JAMES BURKE to "Beau Geste," Paramount . . . Other Paramount placements: BETTY GRABLE and E. E. CLIVE to "Man About Town," DONALD O'CONNOR to "Beau Geste" as GARY COOPER in his younger days . . . PAUL LUKAS will play the role of chief of the Nazi spies in Warners' "Confession of a Nazi Spy."

New Film Forum Is Begun in Columbus

COLUMBUS, Jan. 24.—An organization representing local cultural groups, known as the Finer Films Forum, has been formed here to sponsor a series of five artistic pictures, not ordinarily seen here, to be shown at the Indianola, neighborhood house. "Moonlight Sonata" will open the series Feb. 14.

Dr. Edgar Dale, director of educational research, Ohio State University, and Mrs. C. C. Gross, head of the Ohio Motion Picture Council, are among those on the Forum committee.

Refugee Art Drawing Extended One Month

The time limit of the drawing of paintings by the Motion Picture Art Fund for German Refugees has been extended from Feb. 12 to March 15. The committee made the extension because of the heavy demand for tickets. Tickets will be sold until March 1 and the drawing will be held on March 15 at a place to be selected later.

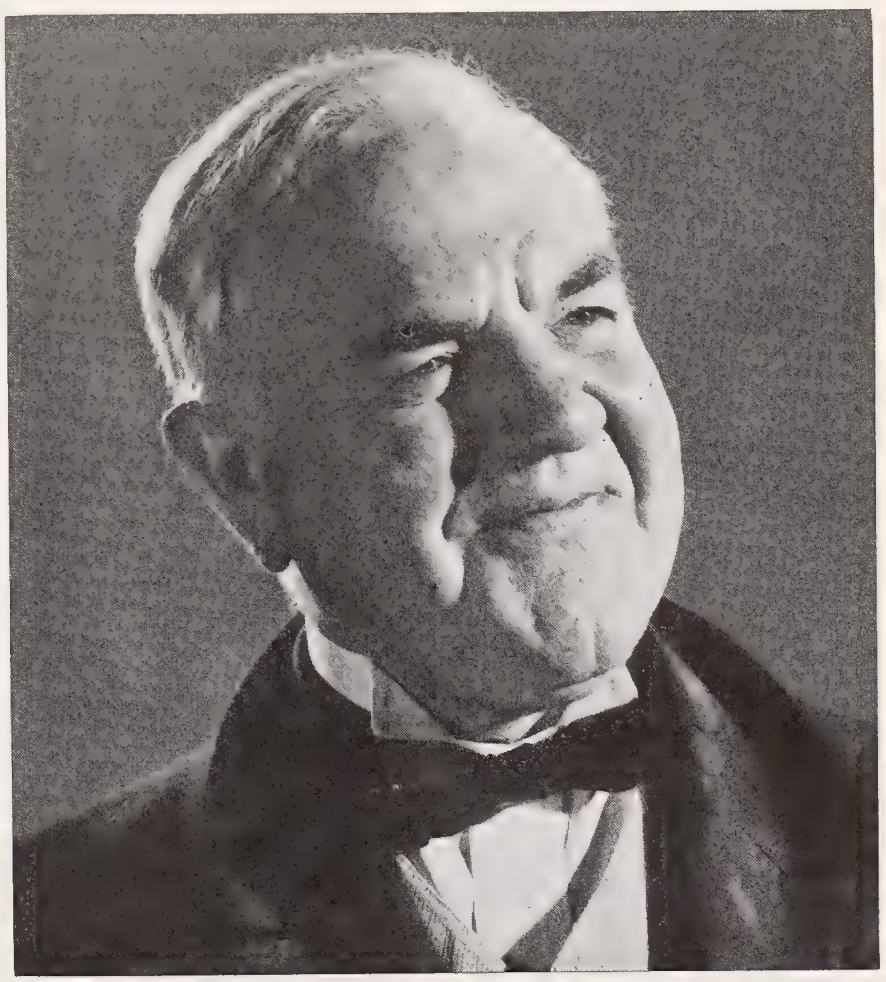
'Topper' In Philadelphia Big $14,000

PHILADELPHIA, Jan. 24.—In spite of heavy snow, the customers flocked to "Topper Takes a Trip" at the Aldine and registered $14,000.

The Earle stood up well under the bombardment of bad weather and scored $19,000 with "Pacific Liner" on the screen and Phil Regan and Will Osborne's orchestra on the stage. "Zaza" took $15,000 at the Boyd.

Estimated takings for the week ending Jan. 19:

"Topper Takes a Trip" (U A.)
ALDINE—(1,300) (40c-55c-65c-75c), 7 days. Gross: $14,000. (Average, $8,160)
"Gangster's Boy" (Monogram)
ARCADIA—(600) (25c-40c-55c), 7 days. Gross: $1,600. (Average, $2,800)
"Zaza" (Para.)
BOYD—(2,400) (40c-55c-65c), 7 days. Gross: $15,000. (Average, $14,000)
"Pacific Liner" (RKO)
EARLE—(2,000) (25c-40c-55c), 6 days. Stage: Phil Regan, Will Osborne and Band. Gross: $19,000. (Average, $14,000)
"There's That Woman Again" (Col.)
FOX—(3,000) (40c-55c-65c-75c), 7 days. Gross: $10,000. (Average, $14,000)
"Duke of West Point" (U. A.)
KARLTON—(1,000) (25c-40c-55c), 7 days. Gross: $2,200. (Average, $4,000)
"Sweethearts" (M-G-M)
KEITH'S—(2,000) (25c-40c-55c), 7 days. Gross: $4,200. (Average, $4,000)
"Paris Honeymoon" (Para.)
STANLEY—(3,700) (40c-55c-65c), 7 days. Gross: $10,500. (Average, $14,000)
"King of the Underworld" (W. B.)
STANTON—(1,700) (25c-40c-55c), 7 days. Gross: $5,500. (Average, $7,000)



BERTON CHURCHILL as the banker . . pompous man of affairs who demanded deference and respect on a journey he called a business trip . . but was actually a flight with a stolen fortune hidden in his small black bag.

Walter Wanger's "STAGECOACH" Directed by John Ford Released thru United Artists

Labor News

ELECT IN WILMINGTON

WILMINGTON, DEL., Jan. 24.—Stage Hands' Local 284 of Wilmington has installed the following newly elected officers: president, Albert W. Wilson; vice-president, John Kelleher; recording secretary and treasurer, Howard Oster; sergeant-at-arms, Gilbert Jenkins; business agent, Frank J. Pappa. The executive board includes Wilson, Kelleher, John Behringer, Herbert Springbett and A. N. Cole. Delegates to the Central Labor Union are Wilson, Kelleher, Cole and James Mackin, and to the State Federation of Labor, Behringer and Cole.

HEADS FRISCO MUSICIANS

SAN FRANCISCO, Jan. 24.—Walter Weber has been reelected president of Musicians' Local No. 6. Vice-president Ed Moore and recording secretary Eddie Love were reelected. William Bollard and Albert Morris were designated secretary and business representative, respectively, of Oakland branch.

ORGANIZES IN N. H.

NEW HAVEN, Jan. 24.—John Gatelee, New England organizer of I.A.T.S.E., is here to organize front-of-the-house theatre employes. Gatelee also will attend the regular meeting of Local B-41 of the exchange employes union at the Hotel Garde.

RKO Will Show $125,000 Profit

(Continued from page 1)

of 11 members when completed, indications are that the board names will be submitted to Federal Judge William Bondy for his approval within the next week.

Representation on the board will be evenly apportioned as between RCA and Rockefeller Center, on the one hand, and Atlas Corp. and Lehman Bros., on the other, with each of the two parties in interest having four board members. Unsecured creditors will have the ninth director and the remaining two, if it is definitely decided to limit board membership to 11, will be management men.

Indications are that David Sarnoff, RCA president, and James G. Harbord, chairman, will not serve on the board. Nor will Nelson Rockefeller. The RCA-Rockefeller Center representatives are expected to be George S. de Sousa, Lunsford P. Yandell, W. G. Van Schmus and Hugh Robertson. Atlas-Lehman representatives are believed to include Floyd B. Odlum, Peter J. Rathvon, Fred Ehrman and a fourth, not made known. Unsecured creditors will be represented by Lawrence Green, while George J. Schaefer, president, and Ned E. Depinet, vice-president, will represent the management.

The reorganization hearing scheduled for tomorrow before Federal Judge William Bondy will be postponed, probably until around Feb. 8, at which time the court may sign the final order confirming the reorganization plan. Probably, the new board will not receive formal court attention until then.

Final payment of $50,000 on RKO's secured six per cent gold notes falls due Feb. 1, but the probability is that an extension will be asked.

Hollywood Preview

"St. Louis Blues"

(Paramount)

HOLLYWOOD, Jan. 24.—The entertainment provided in "St. Louis Blues" is quite similar to that of a variety show. That is, there is a little of certain theatrical elements, and a lot of others, particularly music. Sometimes it jells; sometimes it doesn't, a condition to be expected when half a dozen writers participate in story preparation and an equal number of composers and lyricists contribute to the musical content. There's a slight romantic love interest on which is hung a lot that results in acceptable entertainment.

A Mississippi River showboat is the main background. To it flees Dorothy Lamour, an actress who is trying to break her contract with producer Jerome Cowan. At first she doesn't have much luck getting a job with showman Captain Lloyd Nolan. But he discovers her after they have fallen in love and the Cowan contract is broken in the climax.

Most attention, in contrast to the romantic love interest plot, is devoted to music. It features Miss Lamour in several solo and chorus numbers and also colored songstress Maxine Sullivan. Matty Malneck's band, the King's Men and the Hall Johnson Choir have a turn or two of their own. Mary Parker contributes a dance number and a bit of romantic comedy in marriage with Tito Guizar. Straightaway double talk comedy is provided by Cliff Nazarro and Jessie Ralph's role calls for her to check in with comedy of a human interest type.

All in all, "St. Louis Blues" measures up as diversified entertainment which should be of considerable appeal. Producer Jeff Lazarus and Director Raoul Walsh have given showmen a lot to work with.

Running time, 90 minutes. "G."* G McC.

**"G" denotes general classification.*

New York Review

"School for Husbands"

(Wainwright-J. H. Hoffberg)

"School for Husbands," which has been subtitled "A Comedy for Wives," is a witty drawing room comedy which should amuse adults. With a saucy plot and racy dialogue, the film moves swiftly throughout. It is no picture for the youngsters, however.

Taken from the play by Frederick Jackson, the screen adaptation suffers somewhat from too close adherence to the original stage sets. This results in lagging camera action, but the result as a whole is pleasing, nonetheless.

The story points the moral that husbands must not forget to be in love with their wives. June Clyde develops an infatuation for Rex Harrison, a suave and philandering young author. To save her, Diana Churchill starts a flirtation with Harrison and both husbands, Romney Brent and Henry Kendall, become suspicious. Harrison glibly tells the husbands that they should pretend to leave on a business trip and return unexpectedly.

Complications which ensue provide some good, though strictly adult, fun. It is well cast, with all the principals doing a uniformly good job. Andrew Marton directed.

Running time, 72 minutes. "A."*

**"A" denotes adult classification.*

The Newsreel Parade

The newsreels, in their new issues, focus the spotlight on the arrival in New York of passengers of the ill-fated Cavalier. *Boating, underwater wrestling and bobsledding are sports subjects covered. The reels and their contents follow:*

MOVIETONE NEWS, No. 39—Plane plunges in Atlantic. Schooner washed ashore. Freighter burns in Brooklyn. Chamberlain visits Mussolini.

NEWS OF THE DAY, No. 237—Airliner passengers arrive in New York. Chamberlain in Rome. Find skeleton of sea monster. Freighter afire in Brooklyn. Bobsledding races. Dog show. Underwater wrestling.

PARAMOUNT NEWS, No. 50—Press photographers' exhibition. Chamberlain welcomed in Rome. Dogs compete for awards. Canadian schooner wrecked on shoal. Firemen sink blazing freighter.

RKO PATHE NEWS, No. 54—Cavalier survivors arrive in New York. Mrs. Roosevelt requests aid in paralysis drive. Motor cycle races in Florida. Mussolini greets Chamberlain.

UNIVERSAL NEWSREEL, No. 739—Bermuda clipper wrecked. Chamberlain visits Mussolini. Ambassador Bullitt sails. Storm wrecks schooner. Fire sweeps steamer.

Legislatures And the Screen

MAY AMEND OHIO LAW

COLUMBUS, O., Jan. 24.—Representative Harry Dworkin, of Cleveland, has introduced in the legislature an amendment to the Ohio law, which would prohibit the censoring of pictures because of their political content.

The amendment was prepared after Dworkin had viewed a private screening of the Soviet film, "Professor Mamlock," which the censor board has banned in Ohio.

ASK GAME TAX REPEAL

LITTLE ROCK, ARK., Jan. 24.—Representative Weisenberger has introduced a bill to repeal the 1937 act taxing theatre Buck Night.

APPEAL OPERATOR CODE

ALBANY, Jan. 24.—Newburgh's projection code, requiring the licensing of operators and employment of two operators in a booth, was the subject of an invalidation attack in an appeal by Orange County Theatres, Inc., against the City of Newburgh, Mayor James D. Tweed, the chief of police and members of the Common Council.

Ordinance was passed in 1928, adopted into the city code in 1933, repealed in 1935 and set in again in 1936. Mayor Tweed, a union official, was business agent of the Newburgh union. Decision was reserved.

DEL. SUNDAY BILL

DOVER, DEL., Jan. 24.—A Sunday film bill, legalizing Sunday films in Delaware under local option after 2 P. M., has been introduced by Rep. Canby in the present session of the state legislature. The measure contains a clause providing a referendum for cities and towns on the matter. Similar bills introduced in past legislatures met with strong church opposition and were defeated.

Brokers Start Suit Against Monogram

Claiming to have raised $3,807,412 in investments for Monogram Pictures Corp., Charles H. Lehman and William A. Graham, investment brokers, have filed suit in the N. Y. Supreme Court for $205,370, allegedly due in commissions from Monogram. J. A. Sisto & Co. and the individual members of the firm, Joseph A. Sisto and Jefferson Davis Cohn, were also named as defendants in the complaint, which asked for $30,000 in commissions from them.

The plaintiffs state that in April, 1934, they were employed by Monogram to raise capital at five per cent commission.

Will Hold Hearings On N. Y. Lottery Bill

ALBANY, Jan. 24.—At the request of its sponsor, the Phelps bill legalizing lotteries in New York State was not considered today by the Assembly judiciary committee. Instead, a joint public hearing by both Senate and Assembly committees is likely to be set for the near future.

The film industry is vigorously opposed to the measure.

London CEA Plans Independent Group

LONDON, Jan. 24.—Independent members of the London branch of the Cinematograph Exhibitors' Association have gained another point, with instructions to the executive committee at the annual meeting today to consider the formation of a committee of independents. The new committee will enable the independents to voice their views and will meet regularly before each monthly executive meeting of the branch.

Independents need a "mouthpiece," it was said during debate today, especially against circuit interests. The special concern of independents is of a possible product shortage. Members were cautioned at the meeting on renewal of Western Electric contracts. Arthur Moss was elected new chairman of the branch, and Abe Freedman, vice-chairman.

Bank to Distribute 'Quiz' Winner List

Motion Pictures' Greatest Year campaign headquarters have arranged with Chemical Bank & Trust Co. to distribute the list of 5,404 winners in the industry's $250,000 Movie Quiz contest to theatres for announcement the night of Feb. 20.

The bank, through its correspondents, will deliver the names on a confidential basis to theatre managers promptly at 8 P. M. that night. All deliveries will be made at the same time. No theatre will have an advantage. Only theatres which have paid their pledges in full will receive the list.

J. J. Cunliffe, head of the bank's Times Square branch, is in charge.

CEA Settles Dispute With London Council

LONDON, Jan. 24.—Amicable settlement of the dispute betwen the Cinematograph Exhibitors' Association and the London County Council has been confirmed officially.

The C.E.A. has abandoned its planned court action against the new regulations concerning the pricing of seats, declaring the objection was not to the regulation but dangers in the interpretation of it. The council has promised no extension of the present rule.

Protest Sign Bill Veto

Members of a number of A. F. of L. labor unions picketed City Hall yesterday in protest against Mayor LaGuardia's veto of the Keegan bill, which would have permitted nine-foot signs on theatre marquees. The unions are from the sign and electrical trades.

UA to Put Out 'Windows'

United Artists will distribute the second series of "World Windows" to be made next season by Count and Countess Friedrich Keller. Nine shorts in the first series are now being distributed by U. A.

Mexico Extras Organize

MEXICO CITY, Jan. 24.—Mexican extras are organizing a union, the object of which, according to the organizers, is to make these players independent of the powerful Confederation of Mexican Workers.

Radio Personals

JOHN TAYLOR, general script supervisor of the Compton agency, to Chicago for one week to handle production on a program of his agency . . . Dot Haas, who handles publicity for the Al Pearce Gang, back in town today after several months at the coast . . . Rhea Diamond, secretary to WMCA publicity director Leon Goldstein, leaves the station next week to take up domestic life . . . Kay Kyser, whose program is being forced off the air tomorrow because of the heavyweight championship fight broadcast, will go on the air nevertheless as the guest of Fred Allen . . . Sid Whipple and John Anderson, dramatic critics on the *World-Telegram* and *Journal-American*, respectively, will be interviewed by Bide Dudley Friday over Mutual . . . Elaine Sterne Carrington, the network author, was a guest at a White House reception yesterday . . . Felix Knight will be the tenor soloist with the Cleveland Symphony Orchestra, Jan. 29.

Harry Sedgwick Is Elected CAB Head

TORONTO, Jan. 24.—Canadian Association of Broadcasters today elected as its president Harry Sedgwick, formerly an executive of Famous Players Canadian Corp., and now managing director of CFRB, this city. Elected to other offices were H. Gordon Love of CFCN, Calgary, vice-president; and as directors, F. H. Elpicke, CJCA, Edmonton; Harry R. McLaughlin, CJRC, Winnipeg and CJRM, Regina; Phil Lalonde, CKAC, Montreal; Henry Gooderham, CKCL, Toronto, and Major W. C. Borrett, CHNS, Halifax.

4 Midwest Stations Appoint Weed Agent

Four midwestern stations have appointed Weed & Co. as national sales representatives, effective immediately. The stations are WEOA and WGBF, Evansville, and WBOW, Terre Haute, Ind., and WCOL, Columbus, Ohio. All the units are "basic supplementary" stations, WEOA on the CBS roster and the three others with NBC.

Both Evansville stations are owned by Evansville on the Air, Inc., and are managed by Clarence Leich. The Columbus station is owned by WCOL, Inc., and has Kenneth B. Johnston as general manager and Jack Kelly as national sales director.

Take "Problem Clinic"

SAN FRANCISCO, Jan. 24.—"Problem Clinic," featuring informal chats on problems submitted by listeners, has been signed for sponsorship over KSFO and six other CBS coast stations by Duart Manufacturing Co., makers of cosmetics. Program will be heard Sunday nights for 52 weeks, conducted by Marcia Miller and Vance Graham, aided by a reporter, housewife, lawyer and business man.

CBS Cut $140,000 Commercials in '37 To Air News Events

WASHINGTON, Jan. 24.—The Columbia Broadcasting System in 1937 cancelled day commercial programs to the extent of $75,000 and night commercials amounting to $65,000 to broadcast important news events, W. B. Lewis, head of the program department for CBS, told the F. C. C. monopoly investigating committee today.

Revenue loss in 1938 was much greater than $140,000 of the preceding year, he testified, because of the Austrian and Czech crices, during which commercial programs were repeatedly cancelled to permit broadcasting of new developments.

Discussing the setup of the program department, Lewis said Columbia has copyright licenses from ASCAP and several other major organizations as well as some 175 independents. He pointed out its licenses covered only network programs and did not protect individual stations, which must obtain their own licenses. Columbia's music library, he said, has nearly 350,000 items, and free lending service has been established for philharmonic, symphony and other musical organizations.

Hook College Unit With Two Stations

ALBANY, Jan. 24.—WHAZ, experimental unit at Rennselaer Polytechnic Institute, Troy, will henceforth be hooked up with WOKO and WABY, following completion of a financial operating agreement between the college and Harold E. Smith, general manager of the local outlets.

WABY is to establish a branch station on the Troy campus, likewise using its broadcasting facilities to further radio engineering research. Under the agreement, WHAZ will have more time on the air and will carry three hours a week over WABY and one through WOKO's facilities.

The college, through WHAZ, has been conducting experiments for two years toward clearing up crowded airlanes. It has beam transmitters on Whiteface Mountain and has been successful in bending radio waves to gain distance for television broadcasts.

In the hookup between WOKO and WABY with WHAZ, some programs will be piped to the "satellite station" by wire, with others going by radio direction.

Renew 'Battle of Sexes'

Cummer Products Co., sponsoring the "Battle of the Sexes," has renewed time for the program for another year, effective Jan. 30. Program features Julia Sanderson, Frank Crummit and Allan Kent on the NBC-Red Tuesdays from 9 to 9:30 P. M. The present network is 42 stations, but in the spring nine additional stations are to be added. Stack-Goble is the agency.

Gulf Oil Renews Time

Gulf Oil Co., now sponsoring the Screen Actors' Guild series, has renewed its CBS Sunday 7:30 to 8 P. M. period for another year, effective Feb. 19. The time renewal makes Gulf's sixth year of radio time on CBS. The contract covers 61 stations. Young & Rubicam handles the account.

Agencies End AFRA Accord By Shop Stand

The apparent near-accord achieved by the American Federation of Radio Artists and the radio advertising agencies yesterday widened into irreconcilable paths by the disclosure that the advertising agencies are solidly united not to sign a contract which provides for a preferential or "AFRA" shop.

Heretofore the agencies have maintained that their objections against accepting the AFRA fair code were due primarily to its salary provisions and terms of working conditions, and not because of any antipathy toward the "closed shop" principle. AFRA, however, contends it is not a "closed" shop.

This statement of policy of the agencies allegedly was voiced at a conference early yesterday by Chester LaRoche, vice president of Young & Rubicam and head of the committee of the American Association of Advertising Agencies which has been negotiating for the past year with AFRA.

Charles J. Post, mediator designated by Secretary of Labor Frances Perkins to seek settlement of the controversy between the radio union and the advertising agencies, yesterday substantiated that the remark to the effect that the agencies are in agreement not to sign a contract that provides for a preferential shop was made in his presence. He said he thought it best, however, not to name the 4-A official who uttered it.

George Heller, AFRA national board member, said yesterday that this new development left the union no alternative but to strike against any agency which takes such a position.

Meanwhile, AFRA will continue to negotiate with the individual agencies. Printed copies of the AFRA fair code, containing the salary and rehearsal fee provisions, and terms of employment, were mailed to agencies yesterday. Organizations which sign the code will be enabled to continue broadcasting their programs. Against those which do not sign, AFRA will declare a strike. No time limit for signing the code, however, has been set.

Roosevelt Urges Discarding of FCC

(*Continued from page* 1)

Wheeler tomorrow, and later in the week the committee will meet to study recommendations which the F. C. C. head will make.

"Although considerable progress has been made as result of efforts to reorganize the work of the F. C. C. under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the commission," the President told Senator Wheeler. "I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the commission."

The President's letter was received with apparent satisfaction by Senator Wheeler, who said he had "some ideas" of his own regarding the reorganization of the F. C. C., whose situation, he commented, was due to "too much politics."

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 18 NEW YORK, THURSDAY, JANUARY 26, 1939 TEN CENTS

Canada Bans Broadcasting Fee Increase

Copyright Board Fails to Permit Rise

TORONTO, Jan. 25.—The proposal of the Canadian Performing Right Society for an increase in the annual license fee for broadcasting stations for 1939 has been rejected. The Copyright Appeal Board has ruled that the levy remain at the 1938 level, about half of the proposed schedule for 1939.

The Society collected $83,081 in royalties from broadcasting stations last year. Of this amount $33,377 was contributed by Ontario stations which serve 424,137 receiving sets.

Under the Society's suggested schedule $154,588 would have been collected this year. This would be at the rate of 14 cents on a receiving set on the 1,104,207 licenses issued at the end of the last fiscal year.

In addition the Society proposed to collect $10 from each of the 3,639 receiving sets in commercial use, or a total of $36,000.

Additional developments in radio are found on page 12.

Margolies Is Named U.A. Publicity Head

Albert Margolies becomes publicity manager of United Artists under Lynn Farnol, director, succeeding Ben Washer. Margolies takes charge Feb. 13. Washer, who was formerly with Samuel Goldwyn, leaves to become advertising and publicity manager for George Abbott, in legit.

Margolies, during the past two years, has been in charge of Gaumont-British publicity, for America. He had served with United Artists previously, under Hal Horne.

Zukor Will Broadcast From England Today

Adolf Zukor, Paramount head in England, will broadcast to this country via shortwave from the Scottish National Station in Edinburgh today at 4 P. M., New York time, and tomorrow he will speak over Radio Athlone, Ireland, at 3 P. M. local time. Zukor will discuss film making in Europe.

Para. 4th Quarter Earnings $2,200,000

Paramount probably will show earnings of approximately $2,200,000, for the fourth quarter, this year. This will bring the company's earnings, before preferred dividends on the fourth quarter, to about $4,200,000, for the year. This about 75 cents per share on the company's common.

Film Exports in '38 Total $4,519,594; Rise in So. Africa

WASHINGTON, Jan. 25.—Film exports last year dropped below 1937 figures, with all leading markets except South Africa showing a decrease, Nathan D. Golden, chief of the Motion Picture Division of the U. S. Department of Commerce, reported tonight. Film footage to South Africa increased 50 per cent. France led in film footage imported, with 7,876,093 feet and Canada led in value of film imported with $223,716.

Drop of 13,000,000 feet in the amount of film exported was reported. Entertainment film, sound and silent, totaled 202,526,821 feet, valued at $4,519,594 in 1938, compared with 215,721,956 feet, valued at $4,797,641, in 1937.

Unexposed film less than one inch wide, projection equipment for substandard gauge film and sound reproducing equipment rose but other

(Continued on page 4)

ALLIED VIEW WON'T HALT PACT ACTION

RKO Hearing Today; Naming New Board Slated for Feb. 4

Minor matters pertaining to the RKO reorganization may be presented to Federal Judge William Bondy at the hearing scheduled for today, but presentation of the personnel of the new board of directors and the terms of the underwriting agreement on $1,500,000 of new RKO stock probably will not be offered for court approval until a subsequent hearing after Feb. 4. Confirmation of the plan cannot be had under the court's order until after that date.

Irving Trust Co., RKO reorganization trustee, will file a petition in Federal court today asking an extension of time beyond Feb. 1 for making the final payment of $50,000 on the last of the RKO secured gold notes outstanding. There is no opposition to the extension as it is designed merely to avoid confusion over title to the collateral securing the notes, which could be claimed by either the trustee, the bank or the company. If the secured notes are not retired until after the reorganization, as contemplated in the extension being asked, the collateral would be recovered by the company automatically. Collateral includes RKO studio properties and most of the other going assets of the company.

Majors to Put Plan in Effect Regardless of Its Attitude

Major distribution companies will put the final trade practice agreements into effect regardless of whether or not Allied States approves the ultimate program.

Every reasonable effort will be made during the next few weeks to effect an agreement on trade practices with Abram F. Myers, who has been designated by Allied to prepare its version of a trade program and present it to the committee of attorneys for major distributors which is now engaged in revising the initial trade draft in accordance with urgings of national and regional exhibitor organization representatives. This failing, the plan will be put into effect by distributors as individual company policy.

Every major distribution company is committed to the basic provisions of the trade practice draft, with the

(Continued on page 4)

Albany Bills Would Restrict Road Signs

ALBANY, Jan. 25.—Roadside signs more than 32 square feet in area within 100 feet from the road, and signs of dimensions greater than 25 feet by 12 within 300 feet would be banned under the terms of bills introduced today by Senator Thomas A. Desmond, of Newburgh, and Assemblyman Herbert Whitehall.

German Films Unpopular in Latin America, Says UA Chief

Reports of penetration by European dictator governments in Central and South America are exaggerated, in the opinion of Paul Wir, general manager for United Artists in Central America with headquarters in Cristobal.

Wir is here on a short visit, his first in four years. He said German films are shown only at first runs, but are not popular at subsequent runs and in the interior.

There are regular short wave broadcasts from Germany to Latin America, but they can be received only on powerful sets, Wir said.

American films and broadcasts lead in popularity in Central America, as they contain entertainment features keyed to that territory, Wir declared.

Wir covers Panama, Trinidad, Costa Rica, Ecuador, Guatemala, Nicaragua, Salvador, Venezuela, Honduras, British Honduras and Jamaica.

Exhibitors in the area are gradually adopting American showmanship methods, with the result that grosses are increasing. Wir said that 1937 was U. A.'s best year in the territory, with 1938 also big, comparatively.

The entire section has about 300 theatres, with 87 in Venezuela, which is the outstanding revenue producing country. U. A. this year will distribute between 36 and 40 features in the territory, including several Spanish language films.

France, Canada Ban 'March of Time' Reel

"March of Time" officials yesterday revealed that their reel "The Refugee—Today and Tomorrow" has been banned by France upon the special order of Foreign Minister Georges Bonnet. No reason was given by officials at the Quai d'Orsay for the action.

Also, the same reel was ordered withdrawn from Montreal theatres by the motion picture censors of the Province of Quebec. The censor board holds a hearing today to determine whether the subject will be banned permanently.

Purely Personal

DENNIS F. O'BRIEN and EDWARD C. RAFTERY, attorneys for MARY PICKFORD and DOUGLAS FAIRBANKS, SR., will leave Hollywood by train today en route back to New York following the United Artists meetings on the coast. MAURICE SILVERSTONE, United Artists chief executive, is not expected to leave the coast for several days yet.

•

RALPH CLARK, managing director for Warner in Australia, is stopping at San Francisco for a week before coming to New York to confer with SAM E. MORRIS.

•

WALTER J. HUTCHINSON, director of foreign distribution for 20th Century-Fox, returned to his desk yesterday after being ill with the flu and an eye infection.

•

JAMES ROOSEVELT, LYNN FARNOL, BEN WASHER, ANDREA LEEDS, JEAN HERSHOLT comprise a United Artists delegation which will go to Washington tomorrow to attend the President's Birthday Ball.

•

HERBERT T. SILVERBERG left for the coast.

•

BEN MIGGINS and F. L. HARLEY, 20th Century-Fox executives in Europe, are due here early next week from studio conferences.

•

J. CHEEVER CODWIN, Universal board chairman, has gone to the coast by plane to join in the current production conferences at the studio.

•

RUBE JACKTER of Columbia has gone to Florida for three weeks' vacation.

•

LILLIAN DACOSTA, secretary to AL WILKIE at Paramount, has left the Wickersham Hospital. She had the flu.

•

SAM BISCHOFF, Warner producer, and MRS. BISCHOFF arrive today on the *Champlain* from a European vacation.

•

A. H. BLANK and MRS. BLANK, who are in California on vacation, plan to return to their home in Des Moines about Feb. 10.

•

AL SHERMAN is moving to Greenwich Village from Montclair.

•

JOSEPH FRIEDMAN, Columbia's manager in the United Kingdom, may sail Saturday for London.

•

RAYMOND BLANK has arrived in New York from Des Moines. He will sail tomorrow on a Caribbean cruise.

•

GEORGE TRENDLE is in New York from Detroit for conferences with BARNEY BALABAN.

•

O. C. DOERING, JR., of counsel to the RKO trustee, has been confined to his home with a cold.

•

ROY DISNEY arrived in New York from the coast yesterday.

•

SAM ECKMAN, M-G-M British director, is due Feb. 2.

Insiders' Outlook

By SAM SHAIN

VIVIEN LEIGH'S film services are contract-bound for seven years, jointly to Alexander Korda and Selznick-International. This new contract was arranged at the time it was agreed she should play the role of Scarlett O'Hara, in "Gone With the Wind."

▼ ▼

An honor not frequently bestowed on the living has come to Walt Disney. There will now hang in the Metropolitan Museum of Art a Walt Disney watercolor, one of the many which went into the production of "Snow White and the Seven Dwarfs."

▼ ▼

U. S. Internal Revenue experts are examining the coast records on the 20th Century-Fox merger, for possible income tax information.

▼ ▼

United Artists, under the direction of Maurice Silverstone, is most serious about its Spanish language films for the coming season. The company is leading the field in its endeavor with the signing of a new three-picture deal with Felipe Mier, Mexican producer. The Silverstone company is now assured of having at least six such pictures. Fortunio Bona Nova is making three.

▼ ▼

There is some talk around in the trade that one of the better known members of the U. S. diplomatic corps may resign in July, and that he will become associated with the film business, in a capacity of mediator between the industry and the Department of Justice.

▼ ▼

Shepherds of the trade have something to think about in the scant attention which the lay press has given the industry in regard to the difficulties with the Italian Government. Not a paper lifted its voice to cry out against the unjustified discrimination of the Rome regime against one of the great American industries, which literally was thrown out of Italy. Worse still, the press gave the event only passing notice in the form of wired dispatches, which, because they emanated from Rome, had to be wired in a manner which met the Italian viewpoint only.

Allied Acts to End 5-Cent Admissions

SYRACUSE, Jan. 25.—Elimination of five-cent admissions in this territory will be studied by a committee of New York Allied appointed here today at the first meeting of the organization's regional unit.

The committee will report at the unit's meeting Feb. 1. The next meeting will be devoted also to the election of a regional secretary and the appointment of a grievance board of three members to adjust exhibitor disputes with the Buffalo exchanges. Trade practice also will be discussed.

Rapleye Merriman, regional vice-president of the Syracuse unit, presided. The unit comprises Central New York from Watertown to Binghamton.

E. Thornton Kelly, state executive secretary, discussed various matters. Members expressed opposition to film stars on radio programs. Action on this question is expected at the next meeting.

Para. Board Meet Today

Regular monthly meeting of the Paramount board of directors will be held today. Only routine matters are scheduled for action, according to company officials. Barney Balaban, president, will leave for a Florida vacation tomorrow.

Signs Midland Decree

KANSAS CITY, Jan. 25.—Federal Judge Albert L. Reeves has issued the final decree in the reorganization of the Midland Investment Co. which owns the Midland Theatre and the Midland Office Building.

Du-Art Suit Trial Is Set for Feb. 6

Trial of the suit of Du-Art Film Laboratories, Inc., and Arthur Gottlieb against Consolidated Film Industries, Inc. for $1,000,000 damages was set for Feb. 6 by Federal Judge John C. Knox on request of Proskauer, Rose & Paskus, attorneys for Consolidated.

Plaintiffs, who each seek $500,000, charge the defendant with inducing Universal Pictures Corp. and its subsidiary, U Film Laboratories, Inc., to terminate a lease of Du-Art's entire laboratory and equipment and an employment contract of Gottlieb, as manager. Plaintiffs claimed that Consolidated loaned nearly $1,000,000 to Universal as part of the deal.

Reserve Decision in Suit on Ticket Code

N. Y. Supreme Court Justice John E. McGeehan has reserved decision on an application of Michael Atlas and Walter Friedman, trading as Acme Theatre Ticket Office, to examine before trial James F. Reilly, executive secretary of the League of N. Y. Theatres, Inc., and Paul Dulzell, executive secretary of Actors' Equity Association.

Examination is sought in connection with plaintiffs' suit to restrain enforcement by the League of the code for sale of theatre tickets.

Laemmle Joins Kohner

HOLLYWOOD, Jan. 25.—Ernst Laemmle, former director and production executive, has joined Paul Kohner's agency to concentrate on the handling of writers.

Today's Mail

Predicts Survey Results

EDITOR OF MOTION PICTURE DAILY:

You are to be commended on your very able article on "The Problem of Chance Games and Giveaways" as published in the MOTION PICTURE DAILY of Monday, Jan. 23.

I believe a steady stream of articles covering the entire national situation hammering at the subject would eventually bring results and open the eyes of the exhibitors to the urgent need of eliminating these rackets which are now cluttering up the lobbies and screens of our theatres.

I am quite sure that if the theatres lead the way other organizations will stop automatically or be forced to either by public opinion or pressure of local authorities.

J. J. O'CONNOR

Maloney Is First in 'Test Pilot' Contest

H. H. Maloney, Loew's Poli manager in Worcester, won first prize of $70 in an exploitation contest on "Test Pilot" sponsored by M-G-M.

Dave (Skip) Weshner and his associates at the Warner Stanley, Philadelphia, won second prize, $35. Third prize of $20 was won by Leonard Worley, manager of the Madison, Peoria.

Honorable mention was awarded to Ray Brenner, Castle Theatre, Newcastle, Ind.; J. H. Kuefel, Miller, Wichita, Kan.; Mort Berman, Orpheum, Springfield, Ill.; W. Jerry Gerbracht, Ritz, Chariton, Ia.; Fred Boucher, Logan, Altoona, Pa.; Wally Caldwell, Loew's Valentine, Toledo, and the Stuart Theatre, Lincoln, Neb.

Grainger Unable to Attend Ampa Today

Ampa will have a substitute speaker for James R. Grainger, Republic president, at the Astor today. Grainger will be unable to attend since he is conducting a district managers' meeting on new season's plans.

Vicki Lester, RKO player, has been added to the program, which includes Leota Lane and Mickey MacDougal.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



Step lively and stay lucky. Step up snappily to the booking desk where there's more gold to be gathered like 'Brother Rat', 'Angels', 'Dawn Patrol' *and* 'Devil's Island'. This is the big week we smash home with sensational John Garfield and the 'Dead End' Kids in 'They Made Me a Criminal'! For Lincoln's Birthday and National Defense Week 'Wings of the Navy'! Then 'Yes, My Darling Daughter', comedy twin to 'Brother Rat'. Then more! (*Bette Davis in 'Dark Victory'; Warden Lawes' 'You Can't Get Away with Murder', with Humphrey Bogart; Cagney in 'The Oklahoma Kid'*). And More!

WARNER BROS.
for Satisfaction!

To Ask Dismissal of Suit Against B & K As 'Waste of Time'

CHICAGO, Jan. 25.—"This lawsuit is a waste of time, and I am going to seek a dismissal of the entire suit," Robert Golding, a defense attorney in the suit brought by independent exhibitors against Balaban & Katz and major companies, told Federal Judge Igoe at a hearing today.

Motion by plaintiffs to take the depositions before trial of Abe Kaufman and Morris Leonard, of B. & K., and exchange managers Clyde Eckhart, 20th Century-Fox, Phil Dunas, Columbia, and Jack Osserman, RKO, on Feb. 3 was granted. Hearing on another motion to prevent the defense from taking the depositions of plaintiffs was postponed to Feb. 10 when Federal Judge Wilkerson will return.

In asking that the taking of depositions of plaintiffs be denied, the petition charges that the examination is being sought in bad faith, and is for the purpose of annoying, embarrassing and oppressing witnesses. It is alleged that disclosure of profit and loss statements from plaintiffs' books might result in defendants building or acquiring neighborhood competitive theatres. It was also charged that John Balaban had stated some months ago that if suits were brought he would compel the disclosures and that plaintiffs would be forced to pay increased film rentals.

In stating the grounds on which he would seek a dismissal, Golding argued that the plaintiffs have failed to show "any special damages" and that the complaint should be dismissed.

File Three Motions In Momand's Action

OKLAHOMA CITY, Jan. 25.—Three new motions have been filed by defendants in the $4,900,000 anti-trust suit in which A. B. Momand, Shawnee, Okla., theatre operator is plaintiff against the major distributing companies and several circuits operating in Oklahoma.

Regal Theatres, Inc., filed a motion denying all material allegations in the amended bill of complaints. The Griffith Amusement Co. filed a motion asking that the plaintiff name the companies in the complaint against the Griffith company.

A motion to ask the plaintiff to make the petition more definite and certain asking for names of persons referred to was filed by 20th Century-Fox, United Artists, Universal Film Exchange, Loew's, Inc. and RKO.

Weeks on Coast

HOLLYWOOD, Jan. 25.—George Weeks, Monogram sales manager, has arrived here from New York for a series of conferences with Scott Dunlap, production head, and W. Ray Johnston, president.

Cinema Session Feb. 3

Final meeting of creditors in the reorganization proceedings of Cinema Magazine, Inc., will be held before Bankruptcy Referee Peter B. Olney, Jr., at the Federal Court on Feb. 3.

Pickets Picketed!

Omaha, Jan. 25.—Picketing of the Paramount here in opposition to the showing of "Inside Nazi Germany" brought a picketing of the pickets in the evening. The first pickets, opposing the film, appeared at the matinee. Opposition to the film earlier caused seven members of the sponsoring committee to withdraw. Members of the local truck drivers' union then picketed the picketers in support of the film.

Allied Stand Won't Halt Pact Adoption

(*Continued from page* 1)

exception of United Artists whose policy on cancellations is to be decided independently of the trade agreement. United Artists, while approving the remainder of the proposals, does not subscribe to the cancellation clause because its product is supplied by independent producers who have final say on individual contracts covering the pictures of each.

Distributors' attorneys may complete their revise of the trade draft next week. They expect to hear from Myers in the near future for final discussions on what Allied regards as essentials to any program which it can approve.

Indications are that little, if any, negotiating remains to be done as between the distributor and exhibitor representatives. Company attorneys will complete the bulk of the unfinished work on the proposals and, after study by the distributors' committee, the finished program may go out to exhibitor organizations in a form which will not require further negotiation. There is little probability at this time that the program will be placed in effect before the 1939-'40 selling season, despite M. P. T. O. A.'s urging of immediate action.

All members of the distributors' negotiating committee except Abe Montague, are out of the city now and will be for another 10 days to two weeks. Sidney R. Kent and William F. Rodgers are in Florida. George J. Schaefer, who replaced Leo Spitz as an alternate on the committee; Ned E. Depinet and Gradwell L. Sears are in Hollywood.

Brulatour Recovers; Dewey Investigating

Jules Brulatour, who suffered a gunshot wound Sunday night while cleaning a loaded revolver, was reported ready to leave the Lenox Hill Hospital yesterday. Meanwhile, District Attorney Thomas E. Dewey asked his arrest for technical violation of the Sullivan law for possession of a revolver without a permit.

Curtiz to Direct Short

HOLLYWOOD, Jan. 25.—At his own request, Michael Curtiz will direct his first short subject, "Sons of Liberty," Warners' historical picture based on the life of Hyam Salomon, patriot who helped finance the American Revolution.

Will Hear Florida Trust Case Jan. 31

MIAMI, Jan. 25.—First hearing in the anti-trust action brought against Paramount Enterprises, Wometco Theatres and eight large distributors by Herman Weingarten, local exhibitor, is scheduled for Jan. 31 in Federal Court here.

Weingarten, who operates two theatres in Miami Beach, asks triple damages of $432,000 in his action charging violation of the anti-trust laws by the defendants in the setting of admission prices, releasing advertising, overbuying and unreasonable clearance.

'Cowboy' Has Strong $8,500, Indianapolis

INDIANAPOLIS, Jan. 25.—"The Cowboy and the Lady," dualed with "Burn 'Em Up O'Connor," gave Loew's strong business of $8,500 in a relatively quiet week.

"Kentucky" was good for $6,000 in its fourth week at the Circle and was held for a fifth, longest run here in more than 10 years. "Zaza" took $5,000 at the Indiana. "Charlie Chan in Honolulu" shared the bill.

Estimated takings for the week ending Jan. 19-20:

"Paris Honeymoon" (Para.)
"Secrets of a Nurse" (Univ.)
APOLLO—(1,100) (25c-40c) 7 days, 2nd week. Gross: $2,000. (Average, $3,000)

"Kentucky" (20th-Fox)
"Down on the Farm" (20th-Fox)
CIRCLE—(2,800) (25c-40c) 7 days, 4th week. Gross: $6,000. (Average, $4,500)

"Zaza" (Para.)
"Charlie Chan in Honolulu" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $5,000. (Average, $5,000)

"The Cowboy and the Lady" (U. A.)
"Burn 'Em Up O'Connor" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $7,000)

"Devil's Island" (Univ.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Frankie Masters Orchestra, with Slim Timblin and vaudeville. Gross: $9,000. (Average, $8,000)

Italy Will Carry Out Terms of Film Ban

ROME, Jan. 25.—Italy is determined to carry out the film monopoly to the letter, was the consensus following a four-hour session of officials on the subject today. Foreign films will be bought only under terms of the monopoly, it was decided.

Johnston Assigned

HOLLYWOOD, Jan. 25.—For the eighth consecutive year, John LeRoy Johnston, Walter Wanger's publicity director, will supervise the making of all pictures at the annual Academy of Motion Picture Arts and Sciences awards dinner.

'Union Pacific' Special

HOLLYWOOD, Jan. 25.—Paramount's "Union Pacific" will be given a special showing in the Ak-Sar-Ben auditorium, Omaha, Neb., at the annual convention of the Old Timers' Society of the Union Pacific.

Buys 'Marne' Rights

Variety Film Distributors have acquired rights for the United States and South America to the French production "Heroes of the Marne."

Sweethearts Section!

Newark's police commissioner issued a special permit to Manager William Phillips of Loew's State for a special sweethearts section during the showing of the MacDonald - Eddy picture. When the suggestion was passed along to other Loew managers, consensus of replies was "A sweethearts' section! Huh . . . you should see our balcony any night!"

Film Exports Total $4,519,594 in 1938

(*Continued from page* 1)

types of equipment dropped below 1937 figures.

Exports of sensitized unexposed 35 mm positive film totaled 132,573,556 feet, valued at $1,238,184, against 134,396,856 feet, valued at $1,362,736, in 1937; negative film amounted to 41,034,667 feet, valued at $1,086,493, against 69,100,374 feet, valued at $1,757,191.

Exports of unexposed film less than one inch wide amounted to 44,011,816 feet, valued at $1,059,435, against 36,391,140 feet, valued at $759,979.

Silent Negatives Drop

Golden reported exports of silent negatives decreased 33.9 per cent in footage compared with 1937, totaling 2,009,143 feet, valued at $95,344, against 3,038,623 feet, valued at $113,689, while sound film dropped 11.4 per cent to 1,498,012 feet, valued at $300,351, from 9,586,631 feet, valued at $354,578.

Standard gauge 35 mm projector exports were 1,070, valued at $382,729, against 1,625, valued at $449,142, in 1937. Sub-standard gauge projectors numbered 25,866, valued at $754,822, against 21,327, valued at $662,750.

Exports of 35 mm cameras totaled 197, valued at $108,445, against 490, valued at $161,503 in 1937; substandard gauge cameras were 25,085, valued at $688,706, against 39,435 valued at $1,061,477.

Recording sound equipment exports were valued at only $283,139, compared with $1,745,322 in 1937. Reproducing equipment was valued at $1,340,438, against $535,639, Golden reported.

Lewis Takes 55th St.

Operation of the 55th St. Playhouse, one of the oldest foreign film houses in the city, has been taken over by Martin J. Lewis, manager of the Fifth Ave. Playhouse and the Thalia, and his partner, Hans Rosenwald. Sigmund Gottlober, of the Advertising Guild, is also reported interested in the deal.

To File RKO Claims

Federal Judge William Bondy yesterday granted the application of Lehman Bros. for leave to file a claim of $9,098 and of the Lehman Corp. to file a claim for $4,511 against RKO. Both claims arise out of alleged disbursements made by the claimants for stock transfer stamps on 10-year six per cent gold debentures issued to J. & W. Seligman & Co. as depository.

VARIETY

Cleve. F…i, Politics; 'Jesse' Big 19G, but C…0,000

'Stand Up' (M-G) and 'G… stairs' (M-G), good $13,000… **Newman** (Paramount) (… 25-40)—'Zaza' (Par). Br… Wednesday (18). Substanti… 000. Last week, second of 'I… trol' (WB), cut to five da… $4,000 after $9,000 on openin… **Orpheum** (RKO) (1,500; 1… —'Man Votes' (RKO) and '… (FN). Barrymore film got … notices. Biz average at $5,000… week, 'Pacific Liner' (RKO… 'Comet Over Broadway' (FN)… March of Time 'Refugee' releas…

'JAMES' SMASH $22,000 IN CINCY

Cincinnati, Jan. 24.

'Jesse James,' with Cincy's own Tyrone Power, is bagging the important money currently, Albee's heaviest haul since 'Snow White.' Its tug is more than double the next largest pic pull, 'Paris Honeymoon,' at Palace. Lyric is above par on 'Devil's Island.'

Vaudfilm Shubert, linking 'Sa… in French' and stage fare heade… Keystone and Red Barber, … aking up an a…

…n. 24. …making Ohio's …bureau state …ess is …-ups. …wor- …bout …ring At …

'Jesse' Big 16G In 2 K. C. Spots; Snow Hits B.O.s

Kansas City, Jan. 24.

A three-inch snowfall hit here yesterday (Monday) and cut into all grosses. Traffic has been severely hindered.

Midwest preem of 'Jesse James,' day-and-dating at Esquire and Uptown, getting the fans' attention this week. Film is a natural here and biz is good in both spots.

Biz mediocre in other spots, only 'Zaza,' at Newman, giving good ac… count of itself.

POWER SMASH 8G IN TEPID BALTO

Baltimore, Jan. 24.

Biz is at an unexciting level here, but 'Jesse James' is showing the way in grand style at the N…, taxing that house's li… ity to …eeks. …cted …Bos- …The …d-

'James' Haul in L. A. Big $38,000, Crosby-Canova, $16,000, 'Record' Off, $10,000, 2 Spots; 'Pyg' Strong

Los Angeles, Jan. 24.

'Jesse James' cleaning up at State and Chinese and headed for combined $38,000 on stanza. Bing Crosby's 'Paris Honeymoon,' with Judy Canova on stage, heading Paramount for fairly profitable week.

Warner houses not strong with 'Off the Record,' and Orpheum just so-so. RKO and Pantages, holding over 'Son of Frankenstein,' former for five days and latter for four, with second stanza okay. 'Pygmalion' continues strong at the Four Star, where now in fifth big week.

Estimates for This Week

Broadway Grosses

Estimated Total Gross
This Week……$2…
(Based on 12 theatres
Total Gross Same Week
Last Year……
(Based on 12 thea…

'Devil's Island' (WB) … Sister' (U), nice $4,000 … **Rialto** (Fox) (878; … Patrol' (WB), after … the Denver and Alad…

Power Big 8G in Port.; 'Woman' Weak $3,700

Portland, Ore., Jan. 24.

'Jesse James,' at the Paramount, is … burg's heavy winner. House … the bally heat and pic …ing for big results. … took a second stanza … and Fight' as a s… … to a …

…(Par), mild …

'Jesse' Wow $20,000 in Freezing Philly; Bernie-'Record' OK $21,000

Key City Grosses

Estimated Total Gross
This Week……$1,586,900
(Based on 26 cities, 180 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week
Last Year……$1,598,100
(Based on 24 cities, 162 theatres)

Philadelphia, Jan. 24.

Snowy streets and sub-freezing blasts have Philly patrons carefully choosing their pix, or sticking close to the fireside altogether. Only product showing strength is 'Jesse James,' which is super-socko, and 'Topper Takes a Trip.' Practically everything else is n. g.

'Jesse,' at the Stanley, is set to better $20,000. It can have three weeks at the house if the draught holds up, as nothing is inked in until 'Gunga Din' on Feb. 3. 'Topper' is in its second lap at the Aldine and will get another without trouble on the basis of its current $11,000.

'Son of Frankenstein,' at the Fox, is somewhat disappointing in view of what the dual of its father and 'Dracula' did here recently.

Estimates for This Week

Aldine (WB) (1,303; 42-57-68-75)—'Topper' (UA) (2d wk). Traveling along nicely at $11,000 for a second sesh after sockeroo $16,000 in the opener. Set for one more week.

Boyd (WB) (2,350; 37-57-68-75)—'Zaza' (Par) (2d wk). Suffering from bad word-of-mouth, which is causing one of the steepest second-week descents here in a long time.

POWER-VAUDE SOCK 30G, DET.

'Jesse,' Sock $61,000 2d Week, Tops B'way; 'Criminal'-Leo Reisman Good 35G, Crawford 24G, 'Votes' 55G NS…

Not all of the business in downtown New York is going to 'Jesse James,' now in its second big week at the Roxy, but most of it is. In the face of unfavorable weather, the picture ground through to $76,300 last week, its first, playing to over 165,000 persons, a lot of customers. The holdover began Friday (20) and ran into cold over the weekend, but is overcoming all obstacles fo… looks like a corking seco… $61,000 or better. … biggest ho… ture …

was $26,000, while second stanza hi… $32,500 and the first $50,000.

Radio City Music Hall (5,980; 40-60-85-99-$1.65)—'Great Man Votes' (RKO) and stage show. A sorrowful $55,000 will be lucky, despite the dandy reviews. Last week the story was a little better but still highly disappointing. 'Trade Winds' (UA) failing to get a response that was better than $63,000. 'Gunga Din' (RKO) bows tomorrow (Thurs.), a probable two-weeker.

Rialto (750; 25-40-55)—'Pacific Liner' (RKO) (2d-final week). Ground through gratifyingly … $11,000 on the first week ending … day night (23) and goes … homicide Bureau' (C… Tuesday (31).

Rivoli (2,00… achcom… ght…

The Thrill of the Industry

Looks like weak $5,00… 'King of Underworld… 'Freshman Year' (U), … $7,400 …star (F-WC-U… …(MG) …

…weeks-week

Stanley (WB) (2,9… —'Jesse James' (20t… that's really holdin… going great guns at … 000. Good for at lea… and a half and can go two more …

20th CENTURY FOX

Farm' (20th). Figures for about $3,900, okay. Last session okay $3,800 for 'Kentucky' (20th) (2d run) (2d wk.), coupled with 'Spy Ring' (Col), following nice week of $5,400 coupled with 'Mr. Moto' (20th).

Fox (Indie) (5,000; 30-40-65)—'Jesse James' (20th) with stage show Ballyed nicely and headed for smas… $30,000. Last week, 'Woman Aga… (Col) with 'Gang Busters' ra… drama on stage, tepid $16,000.

…(1,700; 30-40)—…urse' (U) plus 'Down …

…re- …or neces- …in' (U) roll- …Saturday …

'Jesse' Big 9½G in O. C.;

Oklahoma City, Jan. 24.

'Jesse James' smashing through fo… sure $9,500 at Criterion, with possi… bility of $10,000, equal to 'Alexander … or over. Opening day broke all rec… ords for weekday openings, with … some 6,000 filing through.

Other bills are question marks, with possibly good $4,000 on 'Duke of West Point' at State.

Estimates for This Week

Criterion (S…

WANTED

AS SPY SUSPECT!



Big box-office REWARD for showmen who cash in on America's tremendous interest in the great war on foreign espionage!

A COLUMBIA PICTURE

FICTION'S FAVORITE ROGUE IS IN THE HEADLINES NOW!

From the Louis Joseph Vance stories, he leaps onto the front pages of a nation's press! Shrewd showmanship gives you a grand combination of adventure and the real spy-smashing that all Americans are talking about!

"THE LONE WOLF SPY HUNT"

with

WARREN WILLIAM · IDA LUPINO

Rita Hayworth · Virginia Weidler · Ralph Morgan

Based on a story by Louis Joseph Vance • Screen play by Jonathan Latimer • Directed by PETER GODFREY

COLUMBIA PICTURES

'James' Smash $39,600 in 2 L.A. Theatres

LOS ANGELES, Jan. 25.—"Jesse James" was the real highlight of the week here, taking an aggregate of $39,600 at two houses, $17,600 at the Chinese and $22,600 at Loew's State.

"Pygmalion" was still strong in its fourth week, taking $7,000 at the 4 Star.

Estimated takings for the week ending Jan. 25:

"Jesse James" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $17,600. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 4th week. Gross: $7,000. (Average, $3,250)
"Son of Frankenstein" (Univ.)
"Swing, Sister, Swing" (Univ.)
HILLSTREET—(2,700) (30c-65c) 5 days, 2nd week. Gross: $4,200. (Average, $6,500)
"Jesse James" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $22,600. (Average, $14,000)
"Son of Frankenstein" (Univ.)
"Swing, Sister, Swing" (Univ.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $3,200. (Average, $7,000)
"Paris Honeymoon" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Judy Canova, F. & M. revue, Rube Wolf and his orchestra. Gross: $18,000. (Average, $18,000)
"Off the Record" (W. B.)
"Fighting Thoroughbreds" (Rep.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $11,600. (Average, $14,000)
"Off the Record" (W. B.)
"Fighting Thoroughbreds" (Rep.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $11,700. (Average, $12,000)

Syracuse Will Give Management Course

A course in motion picture theatre management will be offered in Syracuse University's College of Business Administration beginning in February, with Harry Unterfort, manager of the Syracuse RKO Schine Keith house, as lecturer. Under arrangements made with Dean Charles R. Raper, all phases of theatre management from booking, exploitation, theatre operation and advertising will be covered in the course.

Among guest lecturers scheduled for the course are men from Schine's home office in Gloversville and from upstate RKO offices. No academic credit will be given for the subject to be known as "Theatre Management." Syracuse University pioneered in 1934 with one of the first college courses in cinema appreciation given by Prof. Sawyer Falk, director of dramatic activities.

Ross Federal Changes

Ross Federal Service has made management changes at three branches. H. F. Henderson has been named Chicago assistant branch manager. J. C. Page has been shifted from Denver to head the St. Louis office, with C. W. Graves the new manager in Denver.

Ohio Passes "Mamlock"

COLUMBUS, O., Jan. 25.—The Ohio censor board has reconsidered and approved "Professor Mamlock," which it had previously banned. The reversal followed a press campaign against the board's action. Certain deletions were made.

Hollywood Previews

"Persons in Hiding"

(*Paramount*)

HOLLYWOOD, Jan. 25.—"Persons in Hiding" is from J. Edgar Hoover's book of the same name. That is, quite manifestly, the ace line of copy for any showman's advertising campaign in behalf of the picture, the public and the F.B.I., by reason of Hoover's fame as the man who knew what to do about making crime unpopular. If they don't come in to see this picture, billed in that fashion, there's no use in making any more gang films.

Hoover's story, adapted for screen purposes by William R. Lipman and Horace McCoy, is about people who get on the wrong side of the law and hide out. It shows what happens to them, psychologically, economically and, finally, physically. It shows how the F.B.I. men proceed against criminals who transgress Federal laws and it depicts both criminals and government agents as human beings instead of supermen. All gangster films show that crime does not pay. This one shows why.

The pivotal character in the story is a young woman who wants luxury and, as a means of getting it, marries a thug she can dominate, coaching him to big-shot rating and acquiring, ultimately, a gang of followers. Robberies ranging from gas station stick-ups to bank jobs lead to kidnaping and the attention of the F.B.I. Ways and means by which the F.B.I. men bring the band to justice are explicitly presented.

Patricia Morison is outstanding in the difficult role of girl criminal and Lynne Overman is quietly impressive as the F.B.I. man. J. Carrol Naish gives his usual gunman portrayal. Edward T. Lowe produced the picture and Louis King directed it, both in what impresses as the manner Hoover would have ordered.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

"Code of the Streets"

(*Universal*)

HOLLYWOOD, Jan. 25.—"Code of the Streets" has been designed to attract the attention of the more impressionable adults and the kids. The picture's appeal is to the second group. While grown-up players are concerned, youngsters, especially Frankie Thomas, James McCallion and the Little Tough Guys, are the real heroes. They contribute convincing performances, as do Harry Carey, Paul Fix, Leon Ames, Marc Lawrence and El Brendel, who handles the meager comedy contrast.

Save for Juanita Quigley, the Arthur T. Horman original screenplay is a "men-without-women" story which leans heavily toward the melodramatic but in which there is a definitely appealing human interest character. Both qualities are forcefully accentuated by Harold Young's direction and they are further stressed by the character of production detail.

By circumstantial evidence, Fix is convicted of murder, an injustice which makes his younger brother, McCallion, and the members of his slum hoodlum gang, more bitter enemies of the law. Because he voices his opinion that Fix is innocent, detective Carey is demoted to a beat-walking job. This second injustice brings his son, Thomas, into the action. Allying himself with McCallion's gang, who at first believe in him but later give him the works in realistic underworld fashion when they discover he is a cop's son, Thomas does prove to McCallion that they have common interests to avenge. Playing at detectives, with young Thomas making use of his scientific knowledge, they get incriminating evidence on Ames. Unable to get police cooperation, they take the law into their own hands and, giving their victim a sinister third degree, they force from him a confession that exonerates Fix and reinstates Carey.

Running time, 71 mintes. "G."* G. McC.

*"G" denotes general classification.

Play Suit Up Tomorrow

Final hearing to determine damages in the infringement suit brought by Edward Sheldon and Margaret Ayer Barnes against Moredall Realty Corp., operators of the Capitol, will be held tomorrow before Special Master Kenneth E. Walser. Plaintiffs allege infringement of their play, "Dishonored Lady."

Plan Crime Sequel

HOLLYWOOD, Jan. 25.—Jack Chertok, M-G-M subjects producer, is planning a sequel to "They All Come Out," four-reel subject depicting federal penal institutions. John C. Higgins, writer on the Crime Does Not Pay series and on "They All Come Out," is gathering material for the sequel, which will deal with discharged and paroled prisoners.

Censor in Holland Rejected Only 17 Features in 1938

By PHILIP DE SCHAAP

AMSTERDAM, Jan. 25.—Censorship in Holland during 1938 was less restrictive than during 1937. Last year only 17 features were banned, while in 1937 the censor turned thumbs down 32 features. One action of the board, the banning of the Dutch version of "Snow White and the Seven Dwarfs" for children under 14, met with widespread public disapproval. Even the Dutch Motion Picture Federation tried to alter the decision, but without success.

American product during 1938 maintained its dominant position in the Dutch market. Despite some press demands for protection of domestic production, no such restriction is planned by the Government. The volume of American product released here in 1938 showed little change from the previous year. The most successful film produced here in 1938 was a Dutch version of "Pygmalion," directed by Ludwig Berger, and distributed by Filmex. The picture did better than any importation. "Veertig Jaren" ("Forty Years") dedicated to Queen Wilhelmina's 40-year reign, was also very successful, necessitating 51 prints, the largest number ever used in this country.

The biggest money-making pictures in Holland from the United States during the year were: "100 Men and a Girl," "Mad About Music," "That Certain Age," "Life of Emile Zola," "The Road Back," "Conquest," "Firefly," "Prisoner of Zenda," "Snow White and the Seven Dwarfs," "Three Comrades," "Test Pilot," "Robin Hood" and "Hurricane."

French pictures are growing in popularity here, especially successful having been "Carnet de Bal," "Quai des Brumes" and "La Grande Illusion." American and French pictures are far more successful here than German product, despite the adjacent location of Germany.

The effort of the Motion Picture Federation to bring about a reduction in admission taxes during the year met with little success, only a few towns reducing the tax from 20 to 15 per cent. Theatre business generally showed an improvement in 1938 over 1937. In the three leading cities, Amsterdam, Rotterdam and The Hague, gross receipts of all film theatres showed definite increases.

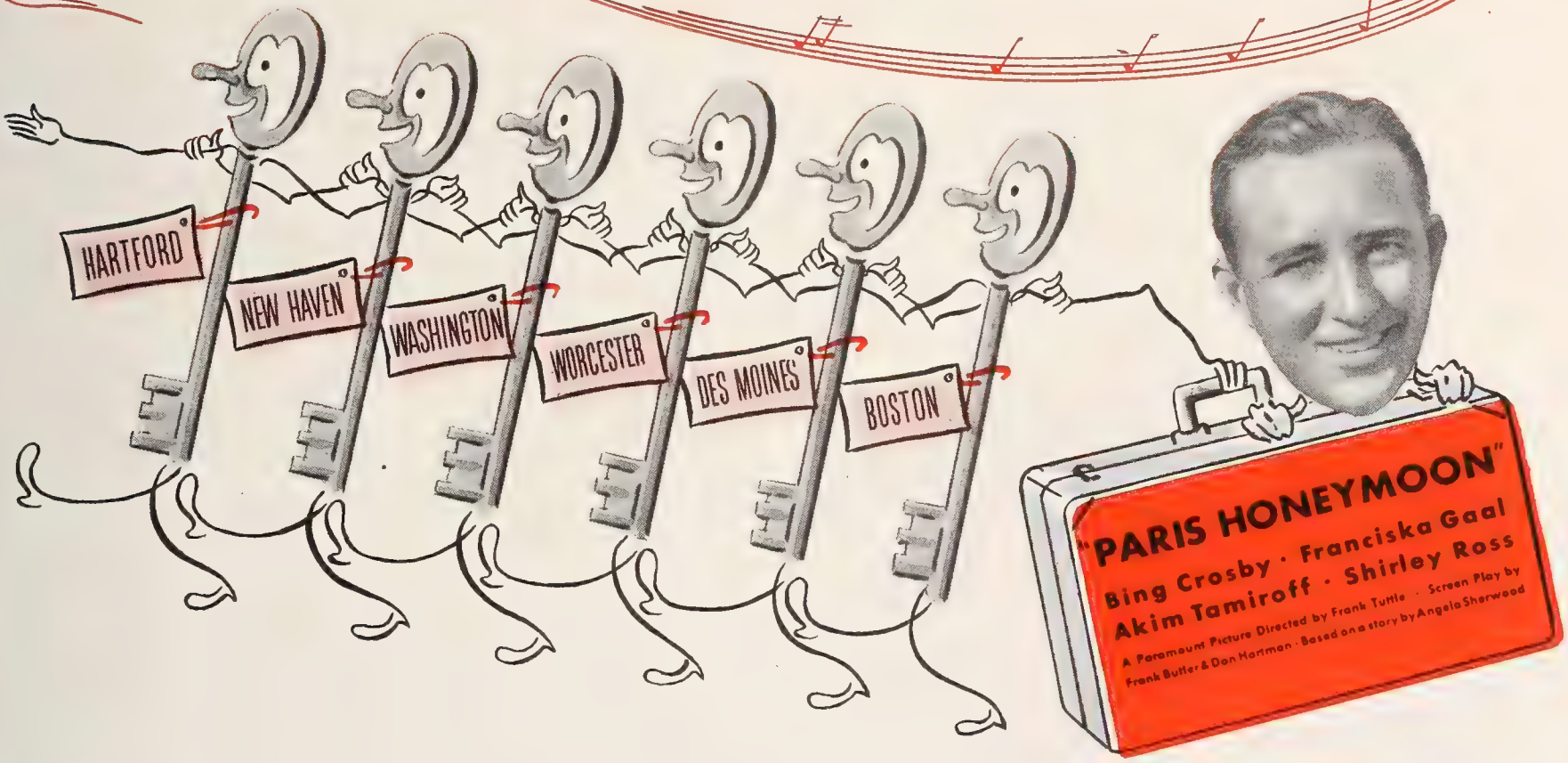
An interesting decision of a Rotterdam court held that the action of an exhibitor in cutting a picture below the length of the film when passed by the censor board was not in violation of the law. It was held that with the elimination of some parts, a film may still remain unchanged as to story and continuity.

Art Direction Award Committee Appointed

HOLLYWOOD, Jan. 25.—Frank Capra, president of the Motion Picture Academy of Arts and Sciences, appointed the following to the Art Direction Award committee: Roland Anderson, Lionel Banks, Perry Ferguson, Charles D. Hall, W. A. Horning, Jack Otterson, Hans O. Peters, Bertram Teitelbaum and Lyle Wheeler.

six **BIG** keys go to market and come home singing...

it's a "PARIS **HONEY** MOON"



for that Beebe boy, Bing, is in the groove again with his latest picture . . .

"PARIS HONEYMOON" is running "Sing You Sinners" a neck and neck race. These big key towns have just reported the following percentages on **"PARIS HONEYMOON"**: Hartford, Conn., Allyn Theatre—130% . . . New Haven, Conn., Paramount Theatre—125% . . . Washington, D. C., Earle Theatre—150% . . . Worcester, Mass., Capitol Theatre—130% . . . Des Moines, Ia., Paramount—124% . . . Boston, Mass., Metropolitan—120%.

Paramount Pictures

'My Heart' Is Chicago High With $13,200

CHICAGO, Jan. 25.—"There Goes My Heart" stood out in a dull week in the Loop, giving the Roosevelt $13,200. "There's That Woman Again" at the Garrick took $6,600, and "Illegal Traffic" at the State-Lake drew $13,500.

Unsettled weather cut into business sharply.

Estimated takings for the week ending Jan. 18-21:

"Kentucky" (20th-Fox)
APOLLO—(1,400) (35c-55c-65c) 7 days. Gross: $6,000. (Average, $6,500)
"Dawn Patrol" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Balaban & Katz Revue. Gross: $30,000. (Average, $32,000)
"There's That Woman Again" (Col.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $6,600. (Average, $6,500)
"The Great Waltz" (M-G-M)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: "Girlie Gambol" Revue. Gross: $13,000. (Average, $13,000)
"Son of Frankenstein" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Billy House and Company. Gross: $18,200. (Average, $19,000)
"There Goes My Heart" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $13,200. (Average, $11,000)
"Illegal Traffic" (Para.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Romo Vincent & Revue. Gross: $13,500. (Average, $12,000)
"Sweethearts" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: $9,800. (Average, $15,000)

'Storm' and Weems Bring $11,800 in Kansas City Snow

KANSAS CITY, Jan. 25.—Snow and foul weather didn't help first runs, which had a fair week. "The Storm" and Ted Weems gave the Tower the best comparative showing, $11,800.

"Stand Up and Fight" and "The Girl Downstairs" grossed $11,300 at the Midland. In its third week at two houses, the Esquire and Uptown, "Kentucky" continued to pull well.

Estimated takings for the week ending Jan. 17-19:

"Dawn Patrol" (W. B.)
NEWMAN—(1,900) (25c-40c) 5 days, 2nd week. Gross: $3,100. (Average, 5 days, $5,600)
"Kentucky" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 3rd week. Gross: $2,800. (Average, $3,000)
"Stand Up and Fight" (M-G-M)
"The Girl Downstairs" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $11,300. (Average, $11,500)
"Pacific Liner" (RKO)
"Comet Over Broadway" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $2,300. (Average, $5,000)
"The Storm" (Univ.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Ted Weems & Orchestra, Elmo Tanner, Ferry Como, Red Ingel, Parker Gibbs, Country Washburn, Orms Downes, Beverly Bemis, Patsy Parker and Peggy Taylor Trio. Gross: $11,800. (Average, $7,000)
"Kentucky" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 3rd week. Gross: $2,900. (Average, $4,000)

Newsreel Contract Up

Cameramen's Union, Local 644, has requested the I. A. T. S. E. to take up the matter of negotiating a new contract with the newsreels here.

Hollywood Previews

"The Lone Wolf Spy Hunt"

(Columbia)

HOLLYWOOD, Jan. 25.—Comedy and melodrama are the principal ingredients whipped into "The Lone Wolf Spy Hunt." There's romantic interest, too, but the laughs and suspense are the qualities which give the film its real entertainment value. Moving speedily, with glib dialogue and cleverly conceived situations maintaining interest, the picture may be expected to hold attention and satisfy.

In the beginning, Warren William, playing the role of "The Lone Wolf," an ex-crook, establishes himself in legitimate business in Washington. At first his love for Ida Lupino and efforts to keep his irrepressible daughter, Virginia Weidler, from being a detective, occupy his mind. Soon, however, he is involved in a spy plot. Unable to get secret government military plans, an international gang of spies, headed by Ralph Morgan, kidnaps the former safe-cracker to do the job. William escapes, of course, and, joining the forces of law, with whom he has many comedy brushes, succeeds in recovering the plans which have been stolen. Both Miss Lupino and Miss Weidler, as well as Rita Hayworth, have a lot to do in helping William round up the spies.

Given quality production support, the performances of the principals are uniformly good, and competent support is contributed by Tom Dugan, Don Beddoe, Leonard Carey, Ben Weldon, Brandon Tynan and Helen Lynd.

Based on a Louis Joseph Vance story, the screenplay was by Jonathan Latimer. Peter Godfrey's direction manages to counterbalance melodramatic tension with comedy.

Running time, 65 minutes. "G."* G. McC.

"Beauty for the Asking"

(RKO)

HOLLYWOOD, Jan. 25.—As the title somewhat indirectly suggests, this is a picture about the cosmetic and beauty parlor business and persons engaged therein. Possibly there are exploitation possibilities in that circumstance, although the film, while in a mild way "exposing" long profits to be made in the beautification industry, also makes a mild case for the importance of beauty in romance. Names of the players principally engaged in the picture are Lucille Ball, Patric Knowles, Donald Woods and Frieda Inescort.

Produced by B. P. Fineman and directed by Glenn Tryon, the story, credited to five writers, is a somewhat indecisive account of what happens to Miss Ball, a beauty operator with a new face cream ready for market, when her sweetheart, Knowles, jilts her and marries Miss Inescort for her $10,000,000. Woods, an advertising man, gets Miss Inescort to back Miss Ball's new cream, success of which makes everybody wealthier, and a lot of misunderstandings occur before Miss Inescort divorces Knowles and Miss Ball decides she really loves Woods.

The most interesting passages are those which present the gadgets and practices of the modern beauty shop in operation. Some of these are fetchingly photographed. Acting throughout is formal, and an evident effort to steer a safe course between condemnation and commendation of the cosmetics industry is persisted in at entertainment expense.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS.

"G" denotes general classification.

Saxe Estate Left to His Three Children

MILWAUKEE, Jan. 25.—Thomas E. Saxe, theatre circuit operator who died Dec. 16, 1938, left his estate in trust for his three children, according to his will, filed for probate in County Court here.

A petition for admission of the will to probate set the value of the estate "in excess of $5,000" but an inventory to be filed later is expected to show it to be extensive. The heirs are Catherine Saxe, Edward J. Saxe and Mrs. Harriet McSpadden. The will provides that the trust shall not be divided by the children until 10 years after the death of John, the testator's brother.

Two "Wings" Screenings

Two special screenings of "Wings of the Navy" have been arranged in the Philadelphia area by Everett Callow, in charge of Warner publicity there. On Jan. 29, a Sunday morning breakfast for civilian fliers and former Army and Navy aviators will feature the film. On Feb. 2, navy officials will see the film at a testimonial dinner to Rear Admiral Julius C. Townsend.

Universal Signs Fields

HOLLYWOOD, Jan. 25.—W. C. Fields has been signed by Universal for another film. It will be produced by Lester Cowan after completion of "You Can't Cheat an Honest Man," now in production.

'Trade Winds' San Francisco Hit, $11,800

SAN FRANCISCO, Jan. 25.—"Trade Winds" drew a strong $11,800 at the United Artists. The Fox bill "Stand Up and Fight" and "Thanks for the Memory," drew $18,500.

"Sweethearts" drew well, with $11,000 at the Warfield in its third week.

Estimated takings for the week ending Jan. 17-20:

"Secrets of a Nurse" (Univ.)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $14,200. (Average, $16,000)
"Trade Winds" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $11,800. (Average, $7,000)
"Dark Rapture" (Univ.)
"Blondie" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $7,500. (Average, $8,500)
"Stand Up and Fight" (M-G-M)
"Thanks For the Memory" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $18,500. (Average, $17,000)
"Kentucky" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $6,600. (Average, $7,000)
"Going Places" (W. B.)
"King of the Underworld" (W. B.)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $9,000. (Average, $13,000)
"Sweethearts" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $11,000. (Average, $13,000)
"Life Dances On" (AFE Corp.)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: $850. (Average, $1,300)
"Prof. Mamlock" (Amkino)
LARKIN—(390) (15c-35c-40c) 7 days, 2nd week. Gross: $700. (Average, $1,300)

'Cowboy' Rides to Big Capital Gross Capturing $13,000

WASHINGTON, Jan. 25.—Despite a two-day snowfall, "The Cowboy and the Lady" took a good $13,000 at Loew's Palace, while a return trip of "Out West with the Hardys" did a splendid $6,100 at Loew's Columbia. "The Son of Frankenstein" held its own at RKO-Keith's with $11,000.

Estimated takings for the week ending Jan. 19:

"Artists and Models Abroad" (Para.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Surprise Party. Gross: $14,000. (Average, $16,500)
"Out West with the Hardys" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) Return engagement, 7 days. Gross: $6,100. (Average, $4,200)
"The Cowboy and the Lady" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $13,000. (Average, $11,500)
"Son of Frankenstein" (Univ.)
RKO-KEITH'S—(1,836) (25c-40c) 8 days. Gross: $11,000. (Average, $10,000)
"Say It in French" (Para.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Bob Crosby & Orch. Gross: $14,300. (Average, $16,000)
"Smashing the Spy Ring" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $3,800. (Average, $4,000)

Goldwyn Signs Von Cube

HOLLYWOOD, Jan. 25.—Irmgard Von Cube has been signed to a term writing contract by Samuel Goldwyn. The Paul Kohner Agency set the deal.

'Duke of West Point' And 'Dr. Meade' Get Providence $11,000

PROVIDENCE, Jan. 25.—In a week when most of the downtown houses slid off because of the competition of the "Ice Follies," $11,000 was registered by "The Duke of West Point" and "The Strange Case of Dr. Meade" at Loew's. "Grand Illusion," foreign language film, did $7,000 at the RKO-Albee.

Estimated takings for the week ending Jan. 18-19:

"The Duke of West Point" (U. A.)
"The Strange Case of Dr. Meade" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $11,000. (Average, $10,000.)
"Kentucky" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,800. (Average, $6,500)
"Thanks For the Memory" (Para.)
"Illegal Traffic" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $6,200. (Average, $7,000)
"Strange Faces" (Univ.)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $6,000. (Average, $7,000)
"Grand Illusion" (Foreign)
"Exposed" (Univ.)
RKO-ALBEE — (2,239) (25c-35c-50c) 7 days. Gross: $5,300. (Average, $6,000)
"Dawn Patrol" (W. B.)
"Swing, Sister, Swing" (Univ.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $3,250. (Average, $3,500)
"Gang Bullets" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Blanche Calloway stage show. Gross: $4,400. (Average, $3,000)

'Frankenstein' Nets Fine $7,300, Buffalo

BUFFALO, Jan. 25.—Everything but duals had tough sledding in this frost-bitten community. The Lafayette took $7,300 with "Son of Frankenstein" and "Swing That Cheer." At the Century, "Pacific Liner" and "Nancy Drew, Detective," pulled $6,600.

A touring troupe with "Kiss the Boys Goodbye" at the Erlanger drew first rate crowds.

Estimated takings for the week ending Jan. 21:

"The Young in Heart" (U. A.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $10,700. (Average, $12,000)
"Paris Honeymoon" (Para.)
GREAT LAKES—(3,000) (30c-50c) 7 days. **Gross:** $7,300. (Average, $7,500)
"Out West With the Hardys" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,400. (Average, $6,800)
"Pacific Liner" (RKO)
"Nancy Drew, Detective" (W. B.)
CENTURY—(3,000) (25c) 7 days. Gross: $6,600. (Average, $6,000)
"The Son of Frankenstein" (Univ.)
"Swing That Cheer" (Univ.)
LAFAYETTE — (3,300). (25c) 7 days. Gross: $7,300. (Average, $6,300)

Patrons Get Cake and—

MANSFIELD, O., Jan. 25.—Warners' Ohio is currently celebrating its 11th birthday anniversary, with stage show and distribution of birthday cake and ice cream to patrons. Harvey Kibler, projectionist; Tom Fike, stage manager, and Rae Davidson, cashier, have been with the house since it opened.

Mintz Gets "Illusion"

Robert Mintz has acquired the New England rights on "Grand Illusion," distribution to be handled through local offices of Imperial Pictures in Boston and New Haven.

Small Signs Val Paul

HOLLYWOOD, Jan. 25.—Val Paul, formerly studio manager at Universal, has been signed by Edward Small Productions, Inc., as production manager.

Competition Stirs Mexico Film Union

Mexico City, Jan. 25.—Competition for pictures produced in Mexico from films in Spanish produced in Hollywood, is beginning to alarm the national film studio workers' union. The labor organization is considering an attempt to prevent Mexican players from going to Hollywood to work in Spanish pictures. However, the lure of Hollywood salaries is a formidable obstacle to enforcement of the union's plans.

Studios Busy on 36 New Features

HOLLYWOOD, Jan. 25.—Thirty-six pictures were before the cameras this week, as nine finished and seven started. Twenty-eight are in preparation, and 74 are being edited.

Started were: "Outside These Walls," Columbia; "The Hardys Ride High," M-G-M; "The Mystery of Mr. Wong," Monogram; "Beau Geste," Paramount; "They Made Her a Spy," RKO; "Rough Rider Patrol," Republic; "Rose of Washington Square," 20th Century-Fox.

In addition to these, shooting were: "Plane No. 4," "Blondie Steps Out," "The Lady and the Mob," Columbia; "Wuthering Heights," Goldwyn; "Panama Cipher," Fine Arts; "The Wizard of Oz," "I Take This Woman," "Sergeant Madden," "Tarzan in Exile," M-G-M; "Union Pacific," "Man About Town," "Federal Offense," "Invitation to Happiness," Paramount; "The Romantic Castles," "Picardy Max," "A Night in Ghost Town," "They Made Her a Spy," RKO; "Man of Conquest," Republic; "Captain Fury," Roach; "The Hound of the Baskervilles," "Alexander Graham Bell," 20th Century-Fox; "You Can't Cheat an Honest Man," "Three Smart Girls Grow Np," "The Spirit of Culver," "Key Woman," "East Side of Heaven," Universal; "Juarez," "Hero for a Day," "The Roaring Road," "Hell's Kitchen," Warners.

Finished were: "Romance of the Redwoods," Columbia; "Dusty Road," "Fast and Loose," M-G-M; "Grand Jury Secrets," "Midnight," "The Lady's from Kentucky," Paramount; "The Lone Ranger Rides Again," "Higgins Family No. 2," Republic.

Columbia started one short subject and finished it during the week. Five are being prepared, and 11 edited.

Brandt Plans Vaude In Flatbush Feb. 10

Brandt circuit will put vaudeville into the Flatbush Theatre, Flatbush, on Feb. 10, according to present plans. The combination policy may be extended to several other theatres in the circuit shortly thereafter.

The circuit has been planning vaudeville for months. Delays have been occasioned by inability to reach an agreement with the stagehands' unions on wage scales.

Essick in Hospital

CLEVELAND, Jan. 25.—P. E. Essick of the Scoville, Essick and Reif circuit, is at Charity Hospital.

Joan Davis Hit in Cleveland, $23,500

CLEVELAND, Jan. 25.—Joan Davis rolled up the biggest gross at the RKO Palace last week of any "in person" attraction playing the house this season. The take was $23,500, with "Dramatic School" on the screen.

"The Son of Frankenstein" at Warners' Hippodrome took top picture honors, garnering $12,000. Weather was cold.

Estimated takings for the week ending Jan. 20:

"Blondie" (Col.) 3 days
"Smashing the Spy Ring" (Col.) 4 days
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $3,500. (Average, $4,000)
"The Son of Frankenstein" (Univ.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $12,000)
"Dramatic School" (M-G-M)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Joan Davis and vaudeville. Gross: $23,500. (Average, $15,000)
"Zaza" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $8,000. (Average, $13,000)
"Stand Up and Fight" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $3,500. (Average, $5,000)
"The Vow" (Foreign Art Films)
CITY—(485) (35c-42c) 7 days. Gross: $1,300. (Average, $1,200)

'Carmen' Ban Lifted By Mexican Workers

MEXICO CITY, Jan. 25.—The ban on "Carmen," imposed by the Confederation of Mexican Workers, has been lifted. The confederation had held that the film, in Spanish and with Spanish players but made in Germany, was Nazi propaganda.

Woonsocket Houses Fail to Get License Fee Rise Rescinded

PROVIDENCE, Jan. 25.—Attorneys for six theatres in Woonsocket, R. I., were unsuccessful in their attempt to have rescinded last week's action of the Board of Police Commissioners in ordering an increase from $12 to $30 in the license fee paid weekly by each house.

Judge John R. Higgins, counsel for two of the theatres, quoted Mayor Felix A. Toupin, chairman of the police commission, as saying: "We've got to raise a great deal of revenue and they (the theatres) can afford to pay it better than other businesses."

It is understood that the police commissioners insisted they be furnished statistics of seating capacities, net receipts, the profits, the amount of other taxes, and the percentages on pictures before they would decide whether the new license rates are fair. "We said outright we wouldn't do it," Judge Higgins said.

Stokowski to Direct Disney Film Music

HOLLYWOOD, Jan. 25.—Plans for making a feature length picture from "The Sorcerer's Apprentice" are materializing. Walt Disney today took up options on an agreement to have Leopold Stokowski direct the music and make the recording with the Philadelphia Symphony Orchestra. Deems Taylor will act as technical advisor and narrator. Recording will start in April at Philadelphia.



JOHN WAYNE as the Ringo Kid . . escaped convict, hurrying to Lordsburg although he knew three men were waiting there to plug him full of bullets. Yet he surrendered to the U.S. Marshall in order to be taken along.

Walter Wanger's "STAGECOACH" Directed by John Ford Released thru United Artists

Discuss Plan For New U.S. Radio Board

WASHINGTON, Jan. 25.—President Roosevelt's recommendations for revamping the F. C. C. continued to attract approval today as plans were laid for Congressional action.

Chairman Frank R. McNinch of the F. C. C. conferred today with Senator Wheeler and Representative Lea, chairmen of the Senate and House Interstate Commerce Committees, who will be in charge of the legislation. McNinch favors a three-man, rather than a seven-man board. His views and recommendations were attentively heard, but it was made clear that the new bill will be written by Congress and not by the F. C. C. or any member thereof.

Support of the President's plan was voiced today by Neville Miller, president of the National Association of Broadcasters, who declared there is need for adoption of clear and definite policies with respect to broadcasting.

McNinch's office said today he had "nothing to say" about the meetings and that his statement of yesterday approving the President's letter would be the last thing he would have to say until he appeared before the congressional meeting.

It is believed that the commission will be reduced from seven to three members in the new setup. Reorganization will give the President opportunity to name a new board, with indications that none of the present members of the F. C. C. will be appointed.

CAB Session Closes Without Policy Act

TORONTO, Jan. 25.—The convention of the Canadian Association of Broadcasters adjourned today without a decision on policy in relation to the Canadian Broadcasting Corp. and on the position of private stations to the Federal Government with respect to network speeches by individual citizens. Those subjects were left to a committee headed by president Harry Sedgwick which will represent private broadcasters at a conference with Canadian Broadcasting Corp. governors and a radio committee of Dominion Parliament members to be held in March.

Sue Healy on Contract

Tim Healy has been named defendant in a suit filed in the N. Y. Supreme Court by Jacques Koerpel for $10,000 damages. Plaintiff asserts the breach of a contract allegedly made on July 14, 1937, whereby he was hired for five years to act as booking agent for the defendant for radio broadcasts on a 20 per cent commission basis. Employment was terminated, the complaint says, on July 29, 1938.

CBC Drops Studio Plan

MONTREAL, Jan. 25. — Canadian Broadcasting Corp., has dropped plans to build a new $1,000,000 studio in Outremont, because of opposition from landowners. Another site for the studio will be sought.

Radio Personals

BOB BECKER, free lance announcer, has joined the staff of WNEW . . . Lou Bender, former all-American from Columbia, will start a new sport series over WHN tomorrow, and will present as his first guest Lou Little . . . Victor Van der Lind, NBC general sales counsel, back to the hospital for a second operation on his hip . . . Constance Hope, press agent to most of the opera and concert people, will be the mistress of ceremonies on WHN's "Refugee Theatre" broadcast tomorrow night.

WLW Superpower License Extended

WASHINGTON, Jan. 25.—WLW's experimental superpower license for 500,000 watts was extended today by the Federal Communications Commission for another six months to Aug. 1, pending a decision as to superpower policy.

The extension was granted with a provision incorporated making it subject to whatever action may be taken on the station's application for renewal of its permit, on which hearings were held last summer.

The committee in charge of the superpower investigation submitted a report some weeks ago recommending against an extension of WLW's superpower permit.

FCC Permit Sought By Martinsville Co.

WASHINGTON, Jan. 25.—Application for a construction permit for a new 1,420 kilocycle station, to operate with 100 watts power night, 250 watts day, was filed with the Federal Communications Commission today by the Patrick Henry Broadcasting Company, Martinsville, Va.

The commission also received applications from Stations KINY, Juneau, Alaska, for an increase of power from 250 to 1,000 watts and change of frequency from 1,430 to 740 kilocycles, and Station WJNO, West Palm Beach, Fla., for an increase of night power from 100 to 250 watts.

Two Companies Join In Ed East's Program

Two additional companies have signed for participation in Ed East's program over WHN. They are A. Goodman & Sons, placed by Al Paul Lefton agency, and Steem Electric Iron Co., through the Smith-Benny Sales Corp.

Additionally, contracts for announcements over WHN have been placed by Silver Pine Mfg. Co., through Dundes & Frank, Inc., and Oxo, Ltd., placed by Platt-Forbes, Inc.

Revise KSAN Programs

SAN FRANCISCO, Jan. 25.—Complete revision of program offerings on KSAN will follow purchase of the complete transcription catalogues of McGregor & Sollie, Titan Transcription Co., and Mertens & Price.

Around the Country

Albany

Charles Blanchard, NBC Red network singer, is again being heard over WGY, Schenectady. . . . WTRY's program director will be Al Parker, now heard over WSYR. . . . Roy Schudt is inaugurating a new sports program over WHAZ. . . . Gren Rand and Sherb Herrick, who shared the mike for Albany baseball broadcasts last year under Wheatie and Atlantic Refining sponsorship, both spoke at the Elks' dinner for Rabbit Maranville, new manager . . . Newest WOKO program is "For Immediate Release," on music.

✚

Des Moines

Buck Rash of the KRNT staff has married Vail Peterson, a dancer . . . Betty Jean Lennart, of the "Sunshine Club" on KRNT, has married studio engineer Ray Bates . . . Haydn Evans has been named commercial manager of WNAX, Yankton, S. D. . . . Roland Peterson, formerly a member of the KSO-KRNT promotion staff, joins Evans at the station.

Pelletier to Start London Broadcasts

MONTREAL, Jan. 25.—H. Rooney Pelletier of CBC, now in England, and Lance Sieveking, of BBC, at present in Canada on the producer exchange arrangement between the two big corporations will each go on the air shortly with their first work away from home.

Pelletier, from London this Sunday, will start a series, "London's Royal Palaces," dramatizing the history of the old Hampton Court. Besides airing it to the English net, BBC will short-wave it to Ottawa for the Canadian coast to coast hookup.

From Vancouver, Sieveking will present his first Canadian airshow on Feb. 2, a dramatization of "Consider Your Verdict," Lawrence Hausman's play.

Foreign Station Unit Is Organized Here

Association of Representatives of Foreign Broadcasting Stations has been formed here by representatives of commercial broadcasting stations in other lands.

The new organization has as its objective the dissemination of information on stations and their equipment, rates, study of listeners' habits, market data, etc. Members include All-American Newspaper Representatives, Inc., Broadcasting Abroad, Ltd.; Chalmers-Ortega, Inc.; Conquest Alliance, and Melchor Guzman Co.

Fred Allen Renewed For 2 Years More

Fred Allen, who has starred on "Town Hall Tonight" for Bristol-Myers Co. for a number of years, has had his contract renewed for another two years. The contract was signed yesterday.

Young & Rubicam handled the pact.

Banner LINES

Unconscious comedy during a tense moment was provided by Ben Grauer late Monday afternoon. Serving as NBC special events announcer on the tug which had been hired to meet the *Esso Baytown* at sea, he began to bellow: "Ahoy, *Baytown!* Ahoy, *Baytown!*" in an attempt to stop the tanker and board her for an interview with the passengers of the *Cavalier.* Ben's hoarse bellowing must have brought many a listener to his feet.

But the *Baytown* wouldn't stop and Ben finally gave up the attempt. But before signing off he was heard to exclaim: "Hey, Art, for gossake toss me a pair of gloves—my fingers are freezin'!" ("Art" was NBC engineer Art Feldman.)

▼

From Bill Crouch in Chicago we learn that Louis Petyko, Tom Foy and Mary Afflick, WGN executives, have formed a trio. Close guard is being maintained to keep them off the air, according to Bill, as they just started taking music lessons a few weeks ago.

▼

Fred Allen spent most of this week writing a gag routine on "Gone with the Wind" for his "Town Hall Tonight" broadcast last night. At yesterday's rehearsal a cautious agency official decided it might be best to obtain permission to do the routine. Jock Whitney was called and he was horrified. Ditto Myron Selznick. A substitute routine was finished in time to go on the air with the program.

'Johnnie Presents' Renewed Over CBS

Philip Morris Co. has renewed its contract for "Johnnie Presents" which will begin its third year on CBS next month. The program is a half-hour on Saturdays at 8 P. M. over 54 stations. The Biow agency handles the program.

A new weekly half-hour series will start over CBS Feb. 18, sponsored by Dunn & McCarthy for Enna-Jettick Shoes. The program will be heard over WABC from 9 to 10 P. M., with Budd Hulick as em cee, Jimmy Shields as tenor, Ed Smalle's chorus and D'Artega and orchestra. Marschalk & Pratt is the agency.

Basketball on KYA

SAN FRANCISCO, Jan. 25.—Associated Oil Co. has signed to sponsor 22 Coast Conference basketball games over KYA, and 11 more on KJBS, during the winter-spring season. Important non-conference games are included.

KSFO Gets Newscasts

SAN FRANCISCO, Jan. 25.—A fifty-two-week contract for three newscasts a week has been signed with KSFO by Peter Paul, Inc., maker of Mounds candy, through Emil Brisacher and Staff. Bob Garred will handle the broadcasts.

Friends Joins Deane

Friends Bros., Inc., has entered participation in the Martha Deane series on WOR. The contract is for one year and is to take effect immediately. Ingalls advertising agency placed the business.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 19 NEW YORK, FRIDAY, JANUARY 27, 1939 TEN CENTS

25 Theatres Are Razed in Chilean Quake

Only Meager Information At Home Office Here

Twenty-five theatres were in the area in Chile where the earthquake struck Wednesday night. They were mostly in Concepcion, Chillan and Talca, sections which were virtually razed.

Most of the theatres are believed to have been completely destroyed, and those not demolished were seriously damaged, according to a cable received yesterday from Santiago by *Teatro al Dia,* a Quigley Publication for the Spanish language market.

Distributors' foreign departments have received only meager information from their Chilean headquarters in Santiago, which was not affected. Several, including M-G-M, Warners, Paramount and United Artists, had branch offices in Concepcion. These are believed to have been destroyed, as only four buildings were left standing in the district. Two domestic film companies' headquarters were destroyed.

Manager Escapes

Arthur Ruszica, 20th Century-Fox manager in Chile, was in the stricken district of Chillan during the upheaval, but escaped safely, according to word received by the home office.

Foreign departments have expressed fear for the safety of their staffs in Concepcion. Cables sent to Chilear offices in that city and Santiago have mostly been unanwsered.

Theatres in the path of the earthquake follow:

Lontue, Lontue; Universal Cinema. Teatro Municipal, Palet, Imperio, all in Talca or Talca Province; Teatro Municipal, O'Higgins, Coronel, all in Chillan; Teatro Puchuco, Coronel; Fanalozo, Penuco; Tome, Tome; Refineria, Penco; Ferroviario, San Rosendo; Puren, Puren; Imperio, Dante, Esmeralda, Municipal, Colon, Apostadero Naval, all in Talcahuano; Teatro de la Cia; Carboniferae, Rialto, Aturo Pratt, Central, all in Concepcion Province.

'March of Time' Reel Approved in Quebec

MONTREAL, Jan. 26.—After being ordered withdrawn from local houses the "March of Time" reel "The Refugee—Today and Tomorrow" was rescreened for the Quebec censor board and approved. It was reissued without changes.

SEC Checking Sales Of Film Securities

Washington, Jan. 26.—Securities and Exchange Commission tonight called upon 69 financial houses to report whether they took part in direct placement of film or other securities with institutional investors between Jan. 1, 1934, and Dec. 31, 1938. Data to be reported will include names of buyers, prices and commissions.

Drama Guild Denies Theatre League Bid To Film Negotiations

Request of the N. Y. League of Theatres to the Dramatists' Guild that a representative of the League be invited to negotiations now being conducted with film companies has been turned down by the Guild, it was learned yesterday. The Guild took the stand that discussions with J. Robert Rubin, vice-president and general counsel of Loew's, and Jake Wilk, story editor of Warners, were informal.

An invitation at this point would be "premature," the guild said after pointing out that any modification or addition to the basic agreement would have to be submitted to the league, which is a party to the contract. Marcus Heiman, president of the league, attended conferences about a year ago but has not been invited since.

The league has under consideration a plan for a central ticket agency to take the place of the present method of dealing with ticket agencies. A committee will be appointed next week to study the question. If adopted, the new agency may be started before the World's Fair opening, but the likelihood is that it will not begin before next season. Twice before, the managers attempted to set up central agencies but both efforts failed.

Studio Unions Told to Negotiate Own Scales

HOLLYWOOD, Jan. 26.—Four studio unions today were notified by International officials that they would have complete autonomy in negotiating their own wage scales. The move was seen as indication that International did not intend to take part in the National Labor Relations Board proceedings due next Monday.

AFA Maps Plan for Drive to Organize Chorus, Show Girls

Plans for a drive to organize chorus and show girls were made yesterday at a meeting of the American Federation of Actors in the Hotel Edison. The drive is directed principally at stage presentations in film houses and night club shows.

Walter Winchell, who was made an honorary member of the A.F.A., made a short address in which he promised his cooperation in the organizational drive. The girls voted to call their division the Walter Winchell Chapter. Others who addressed the meeting were Sophie Tucker, president, Ralph Whitehead, executive secretary, Gus Van and Harry Richman, members of the council.

Harry Calkins, eastern organizer of the A.F.A., is conducting negotiations with the Roxy, for a union agreement covering the stage show. On Feb. 3, the union will hold a meeting to discuss the establishment of a hospitalization fund for members and a system which will insure payment of salaries to members.

Loew's Ziegfeld to Run Single Feature

Loew's will put the Ziegfeld, 54th St. and Sixth Ave., on a single feature policy, tentatively Feb. 9. At the same time the night price will be cut from 50 cents to 40 cents in orchestra and balcony, with loges remaining 55 cents.

C. C. Moskowitz, Loew executive in charge of New York circuit operations, said that if the policy is successful, it may be extended to "a few other houses on the doubtful border between singles and doubles." These are situated similarly to the Ziegfeld with respect to run and competition.

"However, the majority of communities still are overwhelmingly in favor of doubles," Moskowitz said.

The Ziegfeld has been experimenting with singles for six months, playing them on the "short end" of the week, Tuesdays and Wednesdays, with M-G-M shorts and newsreels.

English Producers Ask Quota Increase

LONDON, Jan. 26.—English producers, at a meeting today, resolved to favor an increase in the quota. They declared that the present quota figures offer no protection.

The group is addressing the Films Council set up under the quota act, making the point that an increase in quota percentages is necessary.

Neighborhood Scales Cut by Loew's, RKO

Aim to Meet Downtown Underselling on Weekend

Because in many instances the neighborhoods are being undersold on early-bird Sunday prices, in Brooklyn and Manhattan by downtown de luxers, Loew's has decided to reduce the Sunday morning price in several of its city theatres and in some others to meet weekend competition from downtown under-scales, also on weekend nights. In some spots, the Saturday scale will be changed. RKO is going to follow Loew's in this respect, and undoubtedly will meet the Loew scales, it was said officially.

Loew's will cut five and ten cents in nine Brooklyn and Manhattan theatres, along these lines, beginning probably Feb. 4 and 5. The extent of the cut will be applied in accordance with the particular theatre involved.

General Revision Seen

The Loew and RKO changes may lead to a general revision of neighborhood scales in neighborhoods affected.

Houses involved are Coney Island, Kings, Oriental, Boro Park, 46th St. and Alpine, all in Brooklyn, and the Rio, Sheridan and 175th St. in Manhattan. All are second or third runs, with the exception of the 175th St., a first run.

Some will cut for opening hours, others for matinees and others for all day Sunday. Top price in the group is charged by the Kings, which gets 50 cents on Sundays.

Many Notables See 'Gunga Din' Opening

Many notables of the stage and screen world were in the audience which witnessed the opening of RKO's "Gunga Din" at the Music Hall last night. Among the guests of W. G. Van Schmus, managing director, were Katharine Hepburn, Douglas Fairbanks, Jr., George Stevens, Joel Sayre, the Duchess of Leinster, Mr. and Mrs. Jack Whiting, Irving Asher and Mrs. John Walker Hundey and Bruce Elmore.

Purely Personal

JEAN and VIA HERSHOLT were guests of honor at a cocktail party given by BLAND JOHANESON of the *Mirror* on Wednesday. About 40 were present, including the LAURITZ MELCHIORS, the RICHARD BONELLIS, DOUGLAS FAIRBANKS, JR., OLE OLSEN, PATRICIA ELLIS, KATE CAMERON, WANDA HALE, DOROTHY MASTERS, ROSE PELSWICK, DAN WALKER, WILLIAM BOEHNEL, MRS. JACK MCMANUS, the DICK HYMANS, KATHARINE BEST, KENNETH MCCALEB, JOHN MOSHER, VAN VAN, WARREN KELLY and CAPT. RHODE BORGE.

•

JOSEPH SEIDELMAN, Universal vice-president and foreign manager, is expected back from the coast Monday and may sail for South America the following day. J. CHEEVER COWDIN and NATE J. BLUMBERG are not expected back in New York until later next week. W. A. SCULLY starts a vacation in Hawaii following the current production conferences at the Universal studio.

•

LOUIS BRECKER, owner of the Roseland Ballrooms, Gay Blades ice rink, etc., gave a farewell party for MR. and MRS. DAVID LOEW Wednesday night. The LOEWS leave for the coast tomorrow. Among the guests were JACK GOETZ, LEOPOLD FRIEDMAN, JOSEPH ROSSTHAL, MORT SPRING, OSCAR DOOB, ARTHUR GOTTLIEB and MERVIN ASH.

•

JOHN BARRYMORE, MARVIN SCHENCK, C. C. MOSKOWITZ, JOSEPH SCHENCK, ED CHURCHILL, OSCAR DOOB, JACK SMITH (film editor *Journal*), NEIL AGNEW, ABE LASTFOGEL, J. R. VOGEL, JOHN D. HERTZ, JR., E. L. WEISE, DAN ARNSTEIN, HERBERT BAYARD SWOPE, STANTON GRIFFIS, at the Louis-Lewis fight.

•

MONTY BANKS, 20th Century-Fox, director, arrives today from the coast and will sail with GRACIE FIELDS tomorrow on the *Champlain*. KARL TIMBERG and DONALD ETTLINGER, writers, accompany them.

•

RALPH ROLAN of RKO is in Washington on the "Gateway to Hollywood" talent search. With him are ARTHUR WILLI, BRYANT WASHBURN and RALPH PALMER.

•

EDWARD H. GRIFFITH, Paramount director who recently completed "Cafe Society," arrived in New York yesterday for a three-week vacation.

•

JOHN H. RUGGE, president of M. P. Laboratory Technicians, Local 702, will marry EDNA STADEL today. They will honeymoon in the south.

•

MORRIS EPSTEIN, Republic's New York manager, left last night to join MRS. EPSTEIN, who is spending the winter at Miami Beach.

•

SONJA HENIE has left for Florida and a southern cruise. She will return here late in February and then go to the coast.

•

BARNEY BALABAN, ELMER UPTON, DAVE BLUM and HARRY MELNIKER, at Sardi's, for lunch, the other day.

Insiders' Outlook

By SAM SHAIN

Short Takes

SHOOTING of "Gone With the Wind" started at the Selznick-International Studios on the coast, at 11 A.M., yesterday.

▼ ▼

Only instance of its kind, so far as we know, where a press agent had a manager is in the case of Terry Turner, who is handling publicity for the San Francisco Fair. The William Morris office handled the Turner deal.

▼ ▼

If Warner Bros. want George M. Cohan to appear in "Three Cheers for the Irish," the company has better let him know about it. In Detroit, the other day, the distinguished actor revealed he had absolutely no film deal with anyone.

▼ ▼

From W. M. Gladish we learn that Harry Dahn of Toronto has no word that Harry Weedon, Odeon (Deutsch) Theatres architect, is coming from London to launch a circuit in Canada. There has been no correspondence between the two men.

THE trade can glow with honest pride at the distinction accorded one of its leaders the other day, when Karl Hoblitzelle, chief of the Interstate Circuit, was voted Dallas' most distinguished citizen. Hoblitzelle is as distinguished throughout Texas as he is in his home town. He was given the Linz cup, in token of the esteem in which he is held. In citing Hoblitzelle for the Linz award, the committee commended him for his great philanthropies and particularly his work on behalf of German refugees.

▼ ▼

Yes, Morris Helprin is going into the production field.

▼ ▼

Manuscript of Thomas Wolfe's "Look Homeward, Angel" will be auctioned at the Hotel Delmonico on Feb. 19 under the auspices of the League of American Writers and the Booksellers' Guild. The manuscript, written in ink and pencil, contains 350,000 words. Proceeds will go to exiled writers and Friends of the Abraham Lincoln Brigade.

The Newsreel Parade

Contributions of dimes for the paralysis campaign, fishing, fashions, king and queen of films crowned and various winter sports sequences are included in the new issues of the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 40—March of dimes. Boston fishing boats return. Rodeo in Miami. Radium in test tubes. Tyrone Power and Jeanette MacDonald elected king and queen of films. Housing conditions in Indiana. New York night life. Lew Lehr. Skooter-sled in Michigan. Mechanical boxer. Figure skating. Ski-jumping meet.

NEWS OF THE DAY, No. 238—Refugees in Spain. Ice-covered fishing fleet returns. Screen royalty crowned. Dimes aid paralysis fund. Naval maneuvers. Bathing fashions. California ski meet. Sportsmen's show in Chicago. Clyde Beatty tames tigers.

PARAMOUNT NEWS, No. 51—War in Spain. Dimes pour into White House. Birth controversy. Cat show in California. Fire destroys Harlem church. Sea serpent skeleton mystery. Anglers claim discovery of fur-bearing trout. Veterans instruct hockey hopefuls. Winter sports show. Ski meet. Louis-Lewis bout.

RKO PATHE NEWS, No. 55—Forestry project. Ice harvest. Ft. Wayne housing. Doris Duke mansion in Honolulu. Fashions. Chinchilla farm. Chilian fiesta. Miami beach rodeo.

UNIVERSAL NEWSREEL, No. 740—Paralysis drive continues. War in Spain. Boston fishing fleet returns. Anniversary of tea in England. Children's fashions. Skiing fashions. Sportsmen's show in Chicago. Ski meet in Los Angeles. Boxing in New York.

H. M. RICHEY, RKO director of theatre relations, is expected back in New York this weekend from Dallas and intermediate stops.

•

IRVING MACK, head of Filmack Trailer in Chicago, has left for his first trip to Hollywood, despite 30 years in the business.

•

ARTHUR LEE of G-B leaves for Toronto and Chicago tonight on the first leg of a business trip of indefinite duration.

•

JOSEPH P. KENNEDY, Ambassador to Great Britain, will address the N. Y. Financial Writers' Association on Feb. 21.

•

EDWARD EVERETT HORTON, comedian in Paramount's "Paris Honeymoon," arrived in New York yesterday from Europe.

BARNEY BALABAN, Paramount president, leaves for Florida tomorrow for a month's vacation.

•

ALEXANDER KORDA and IRVING ASHER sail for England on the *Champlain* tomorrow.

•

EDWARD ALPERSON is in Chicago conferring with circuit officials concerning Grand National product.

•

ANNABELLA and JEAN HERSHOLT will appear at the President's Ball in Washington Monday night.

•

ALEC MOSS of Paramount is back from Miami.

•

LEE SHUBERT and SAM HARRIS are in Florida.

•

EILEEN CREELMAN is ill with the flu.

RKO Plan Hearing Put Off to Feb. 10

Hearing on confirmation of the RKO plan of reorganization was adjourned yesterday to Feb. 10 by Federal Judge William Bondy. Confirmation may be given then if consents already filed are not withdrawn. Feb. 4 is the final date for withdrawal of consents under Judge Bondy's previous order.

Counsel for Irving Trust Co., trustee of RKO, reported at yesterday's hearing that the conditions set forth in the order approving the plan, as to publication and notice to creditors, have been complied with. Feb. 10 was fixed as the date for adjourned hearings at the request of John Stover, attorney for Ernest W. Stirn, who expressed an intention of filing objections to the the form and sufficiency of consents and indicated that he might institute further steps in opposing confirmation at that time. Judge Bondy again stressed the necessity of proceeding "very slowly and very carefully," to avoid reversals on appeal by the Circuit Court.

A petition asking that the maturity date of the last $50,000 of RKO's secured gold notes held by Bank of America be extended from Feb. 1 to June 1 was filed in Federal Court by the RKO trustee yesterday. Approval by the court in the next few days is expected.

Para. Votes Dividend

Regular quarterly dividends of $1.50 per share on Paramount's first preferred and 15 cents per share on its second preferred stock were declared yesterday by the company's board of directors. Dividends are payable April 1 to stockholders of record at the close of business March 15.

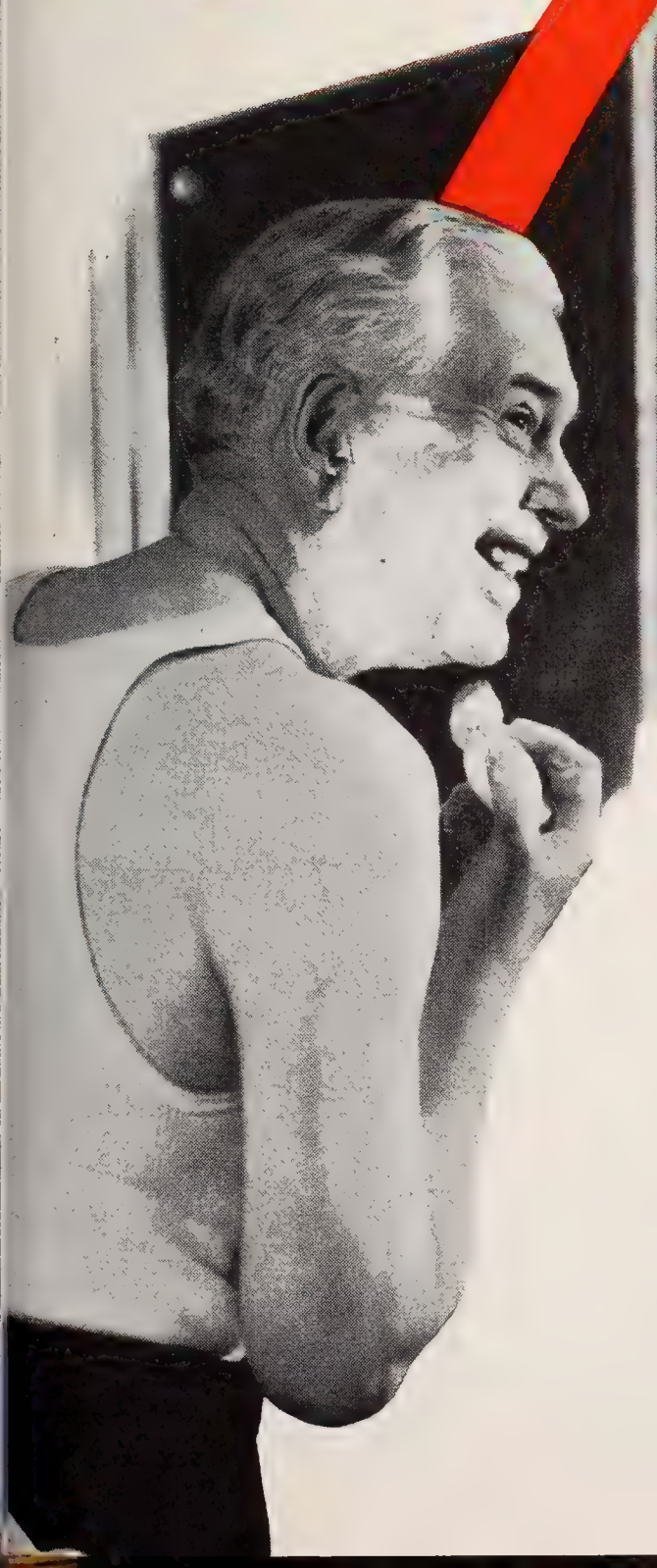
Edward Cohen Leaves

Edward Cohen, 20th Century-Fox manager in Ecuador, leaves tonight on the *Atenas* for Guatemala, from where he will go to his headquarters in Guayaquil. He has been here conferring with Walter J. Hutchinson, director of foreign distribution, and S. R. Kent, president.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"Hey Dad, didn't you say I'd get a new fur coat the next big booking you made?"

Yes, my Darling Daughter



You'll get it for Washington's Birthday!

Yes indeed! Thanks to **WARNERS**
and terrific performances by PRISCILLA LANE
and
JEFFREY LYNN
(The sweethearts of '4 Daughters')
ROLAND YOUNG • FAY BAINTER • MAY ROBSON
Genevieve Tobin • Ian Hunter
Directed by William Keighley
Screen Play by Casey Robinson
From the Stage Play by MARK REED
A First National Picture

'Kentucky' in Minneapolis Does $6,600

MINNEAPOLIS, Jan. 26.—Continued mild weather and good product stimulated business to high levels in most first run houses. In Minneapolis, best grosser was "Kentucky" which got $6,600 at the Orpheum, with "Sweethearts," after a week at the Orpheum, being runner-up with a take of $5,200 at the Century. "A Man to Remember" came through with a handsome $3,000 at the World.

In St. Paul, "Dawn Patrol" came in with $5,300 at the Orpheum.

Estimated takings for the week ending Jan. 19:

Minneapolis:

"Peck's Bad Boy at the Circus" (RKO)
"New York Sleeps" (20th-Fox)
ASTER—(900) (15c-25c) 7 days. Gross: $1,900. (Average, $1,500)
"Sweethearts" (M-G-M)
CENTURY—(1,600 (25c-40c) 7 days, 2nd week. Gross: $5,200. (Average, $4,000)
"Heart of the North" (W. B.)
GOPHER—(990) (25c-40c) 7 days. Gross: $4,300. (Average, $3,000)
"Kentucky" (20th-Fox)
ORPHEUM—(2,900) (25c-40c), 7 days. Gross: $6,600. (Average, $4,800)
"Zaza" (Para.)
STATE—(2,300) (25c-40c) 6 days. Gross: $4,200. (Average, $4,400)
"Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days. Gross: $3,000. (Average, $1,600)

St. Paul:

"Dawn Patrol" (W. B.)
ORPHEUM—(2,000) (25c-40c) 9 days. Gross: $5,300. (Average, $3,200)
"Zaza" (Para.)
PARAMOUNT—(2,500) (25c-40c) 6 days. Gross: $3,700. (Average, $4,400)
"Dramatic School" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,100. (Average, $2,000)
"Little Tough Guys in Society" (Univ.)
"Law West of Tombstone" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: $2,800. (Average, $1,600)
"Orphans of the Street" (Rep.)
"Meyerling" (Malmar)
WORLD—(400) (25c-35c) "Orphans," 5 days. "Meyerling," 2 days. Gross: $600. (Average, $700)

'Fight' at $10,800 Cincinnati's High

CINCINNATI, Jan. 26.—Best comparative business in a week of heavy snowstorms and traffic hazards was done by "Stand Up and Fight," which grossed $10,800 at the RKO Palace. It was the only bill to do better than average.

Estimated takings for the week ending Jan. 19:

"Zaza" (Para.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,000. (Average, $12,000)
"Stand Up and Fight" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,800. (Average, $10,000)
"Down On the Farm" (20th-Fox)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: "Hollywood Parade". Gross: $11,500. (Average, $12,000)
"Kentucky" (20th-Fox)
RKO CAPITOL—(2,150) (35c-42c), 7 days, 3rd week. Gross: $5,200. (Average, $6,500)
"Trade Winds" (U. A.)
RKO LYRIC—(1,400) (35c-42c) 7 days, 2nd week. Gross: $5,000. (Average, $6,500)
"Sweethearts" (M-G-M)
RKO GRAND—(1,200) (25c-40c), 7 days, 5th week. Gross: $2,750. (Average, $2,750)
"White Zombie" (U. A. Revival) (4 days)
"While New York Sleeps" (20th-Fox) (3 days)
RKO FAMILY—(1,000) (15c-25c). Gross: $2,200. (Average, $2,450)
"Dawn Patrol" (W.B.)
KEITH'S—(1,500) (30c-40c), 7 days, 2nd week. Gross: $4,000. (Average, $6,500)

Hollywood Previews

"Nancy Drew, Reporter"

(Warners)

HOLLYWOOD, Jan. 26.—Second of the Warner "Nancy Drew" series, "Nancy Drew, Reporter," is a fast moving melodrama aimed directly at adolescents. It again features the activities of Bonita Granville in the title role, this time determined to win the daily newspaper's prize for being the best amateur reporter. While doing so, she stumbles into the solution of a murder and manages to bring the killers to justice, but not before involving herself and her boy friend, played by Frank Thomas, Jr., in a series of hilarious, yet dangerous, episodes.

Supporting the juvenile pair are John Litel, Mary Lee, Sheila Bromley, Larry Williams, Betty Amann, Thomas Jackson, Dickie Jones, Olin Howland and Frank Orth.

Kenneth Gamet wrote the original screenplay, based on the "Nancy Drew" stories by Carolyn Keene. William Clemens directed, under the supervision of Associate Producer Bryan Foy.

Winning with five others a journalism prize, Miss Granville competes for a new honor by entering a contest on a daily paper as a "cub" reporter. She throws her assignment away, and covers an inquest, getting clues which eventually lead to the solution of the murder.

Running time, 67 minutes. "G."* VANCE KING

"Four Girls in White"

(M-G-M)

HOLLYWOOD, Jan. 26.—As the title indicates, "Four Girls in White" is a hospital story, of nurses in particular, and of surgery, doctors, illness and insanity more or less violent, in general. The pall of grimness usually associated with hospitals and most film stories of the medical profession, is heavy in this, but for occasional buoyant bits of comedy.

The cast consists of Florence Rice, Una Merkel, Ann Rutherford, Mary Howard, Alan Marshal, Kent Taylor, Buddy Ebsen, Jessie Ralph, Sara Haden, Phillip Terry and Tom Neal. Miss Merkel, Ebsen and Miss Ralph supply the comedy deftly, and the other characterizations are well done. Nat Levine produced this, his only effort on the M-G-M lot before leaving recently.

Dorothy Yost wrote the adaptation of the original story by Nathalie Bucknall and Endre Bohem. S. Sylvan Simon directed.

Miss Rice, anxious to marry well and leave the drudgery of nurses' training, indirectly causes the death of an associate, Miss Howard, and is ostracized by her fellow students. Her plans for marriage to Taylor, a wealthy playboy, fail because her sister loves him. But she manages to get back into the good graces of all because of her heroism during a train wreck and a dam break.

Running time, 70 minutes. "G."* VANCE KING

**"G" denotes general classification.*

'Beachcomber' Big $8,500, Montreal

MONTREAL, Jan. 26.—"The Beachcomber," with a personal appearance of Elsa Lanchester, was the standout here, bringing $8,500 to the Princess. "The Dawn Patrol," as the solo feature at the Capitol, registered $10,000.

Third week of "Sweethearts" brought $7,000 to the Palace.

Estimated takings for the week ending Jan. 21:

"The Dawn Patrol" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $10,000. (Average, $9,500)
"Spring Madness" (M-G-M)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Sylvia Froos and vaudeville. Gross: $7,000. (Average, $8,000)
"The Duke of West Point" (U. A.)
"Mr. Doodle Kicks Off" (RKO)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: $3,500. (Average, $5,000)
"Sweethearts" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 3rd week. Gross: $7,000. (Average, $11,000)
"The Beachcomber" (Para.)
"Arrest Bulldog Drummond" (Para.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $8,500. (Average, $7,000)

'Topper' Is $6,200 In Oklahoma City

OKLAHOMA CITY, Jan. 26.—"Topper Takes a Trip" was the best grosser here, with $6,200 at the Criterion in a generally slow week. "Stand Up and Fight," the only other film to do better than average, took $2,700 at the Tower. Rain and snow hurt business.

Estimated takings for the week ending Jan. 19:

"Topper Takes a Trip" (U. A.)
CRITERION—(1,500) (25c-35c-40c) 8 days. Gross: $6,200. (Average, $5,200)
"Ride a Crooked Mile" (Para.)
"Annabel Takes a Tour" (RKO)
LIBERTY—(1,200) (20c-25c-50c) 7 days. Gross: $2,400. (Average, $2,500)
"Going Places" (W. B.)
MIDWEST—(1,500) (25c-35c-40c, 5 days. Gross: $2,700. (Average, $4,500)
"The Dawn Patrol" (W. B.)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $2,000. (Average, $2,300)
"Gangster's Boy" (Mono.)
STATE—(1,100) (25c-40c) 7 days. Gross: $3,100. (Average, $3,500)
"Stand Up and Fight" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $2,700. (Average, $2,500)

'Beachcomber' at Strong $8,300 Is Best Denver Gross

DENVER, Jan. 26.—"The Beachcomber" did the best comparative business here, with $8,300 at the Denham in a generally good week.

"Thanks for Everything" is strong at the Denver, with a gross of $11,500. "Kentucky" took $4,500 in its third week, at the Aladdin.

Estimated takings for the week ending Jan. 25:

"Kentucky" (20th-Fox)
ALADDIN—(1,400) (25c-40c), 7 days, 3rd week. Gross: $4,500. (Average, $3,500)
"Stand Up and Fight" (M-G-M)
"Peck's Bad Boy at the Circus" (RKO)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"The Beachcomber" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $8,300. (Average, $6,000)
"Thanks for Everything" (20th-Fox)
DENVER—(2,525) (25c-35c-50c), 7 days. Gross: $11,500. (Average, $8,500)
"The Great Man Votes" (RKO)
"The Girl Downstairs" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $7,000. (Average, $8,000)
"Going Places" (W. B.)
"Sharpshooters" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)
RIALTO—(878) (25c-40c), 7 days, 4th week. Gross: $2,000. (Average, $1,750)

'Topper' New Haven Winner with $6,200

NEW HAVEN, Jan. 26.—Roger Shermen led here with "Topper Takes a Trip" and "King of the Underworld," taking $6,200. "Zaza" and "Road Demon" at the Paramount grossed $4,800.

Second week of "Stand Up and Fight" and "The Girl Downstairs" at the College brought $2,500.

Estimated takings for the week ending Jan. 20:

"Stand Up and Fight" (M-G-M)
"The Girl Downstairs" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,500. (Average, $2,500)
"The Duke of West Point" (U. A.)
"Mr. Moto's Last Warning" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $7,000. (Average, $8,000)
"Zaza" (Para.)
"Road Demon" (20th-Fox)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $4,800. (Average, $4,400)
"Topper Takes a Trip" (U. A.)
"King of the Underworld" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,200. (Average, $4,700)

'Memory' Sets Pace In Omaha at $9,300

OMAHA, Jan. 26.—"Thanks for the Memory," dualled with "Spring Madness" at the Orpheum, grossed a fine $9,300. "Stand Up and Fight," with "Storm Over Bengal," took a good $6,700 at the Omaha in five days. The weather was excellent.

Estimated takings for the week ending Jan. 18-19:

"Heart of the North" (F. N.)
"Broadway Musketeers" (F. N.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $4,500. (Average, $4,000)
"Sweethearts" (M-G-M)
"Secrets of a Nurse" (Univ.)
OMAHA—(2,200) (25c-40c) 2 days. Gross: $3,000. (Average, $5,500)
"Stand Up and Fight" (M-G-M)
"Storm Over Bengal" (Rep.)
OMAHA—(2,200) (25c-40c) 5 days. Gross: $6,700.
"Thanks For the Memory" (Para.)
"Spring Madness" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $9,300. (Average, $7,200)

Advertises on Four Years of Operation

Charlotte, N. C., Jan. 26.—Wheeler Smith, manager of the State at Monroe, N. C., took a double-page ad spread recently to tell about four years of successful operation of the State. Using a two-page display in the Monroe, N. C., *Enquirer*, Smith printed pictures of all connected with his theatre, including the janitor. He tied in with other advertisers and the paper looked like a theatre publication.

To Elect Cinema Lab Directors on Feb. 10

Stockholders of Cinema Laboratories, Inc., of Hollywood, which was recently reorganized through Federal court action, will meet on the coast about Feb. 10 to elect directors.

R. L. Wilhelm, who has been general fiscal agent of the corporation for three years, has left for Los Angeles after conferences here with a view to obtaining "picture management." The company formerly was operated by San Francisco stockholders.

Wilhelm said there were $180,000 in claims against the company, including $61,000 owed to J. E. Brulatour for raw stock. Accounts receivable are $120,000, with Grand National owing $82,000.

The company formerly was known as International Cinema Laboratory. It has handled printing for Grand National, Monogram and other companies. Several independent producers' negatives held by the laboratory have been assigned to Producers' Finance Corp. for liquidation.

Grainger Leaves on Tour After Meeting

James R. Grainger, Republic president, left last night for a field trip after winding up district managers' meetings at the home office on new season sales policies and product plans.

He will visit Montreal, and in Toronto will confer with N. L. Nathanson and Oscar Hanson, head of Empire Films, Republic distributor in Canada. From there he goes to Detroit to confer with Sam Seplowin, franchise holder there.

Plans for next season are understood to be almost set. Heck Everett, southern district head at Charlotte, left last night. Others are remaining.

Schwartz Relected By Cleveland MPEA

CLEVELAND, Jan. 26. — Ernest Schwartz was unanimously elected president of the Cleveland Motion Picture Exhibitors Association for the sixth consecutive year. A. E. Ptak was reelected vice-president, M. B. Horwitz treasurer and George W. Erdman secretary. L. G. Baldwin and Frank Porozynski were elected to the board of directors for three years and Jack Shulman and Myer Kaplan for a year.

Delay Association Meet

Meeting of the Motion Picture Associates at the Hotel Astor, scheduled for yesterday, has been postponed to Feb. 3.

'Tail Spin' Air Tour Starts Tomorrow

"Tail Spin" tour sponsored by 20th Century-Fox starts tomorrow from Los Angeles, with four women aviators and eight players flying to New York by southern and northern routes.

The flights will end here Feb. 7. On Feb. 9 the company will give a dinner in the grand ballroom of the Waldorf-Astoria, followed by a screening of "Tail Spin," for 300 army and navy officials, aviators and newspapermen. Dick Merrill and Tommy Tomlinson will speak at the dinner, and Mayor F. H. LaGuardia may attend.

Flying the southern route in the tour are Betty Huyler Gillies and Cecile Kenyon, aviators, and the Brewster Twins, Alice Armand and Iva Stewart, players, accompanied by William Chambliss of the home office. In the party taking the northern route are Ruth Nichols, Margo Bain Tanner, aviators, and Lillian Porter, Dorothy Dearing, Joan Valerie and Helen Erickson, players, with Jim Johnson of the publicity department.

Delivery of prints of the film will be made in 19 cities en route, with receptions at each stop.

IA and AFM Refuse Opera on Tour Views

Local offices of the American Federation of Musicians and the I. A. T. S. E. refused to comment yesterday on their future activities with reference to Opera on Tour, Inc. On Wednesday, N. Y. Supreme Court Justice Kenneth O'Brien granted an injunction restraining the unions from stopping their members from working for Opera on Tour.

At the request of the musicians, the stage hands had refused to work for the plaintiff. The company offers road shows of opera with electrically transcribed orchestral accompaniment.

Ampa Hears Johnson On WPA Film Book

Leota Lane, one of the four Lane sisters, Herman Bing, Dr. Oakley Johnson of the WPA Writers' Project and Harold Leonard were guests at the Ampa luncheon yesterday at the Astor. Miss Lane, who will shortly appear at the Metropolitan Opera, sang several numbers.

Dr. Johnson described the forthcoming three-volume reference work on films which is to be published by the Museum of Modern Art Film Library. The writers' project is handling the preparation. Leonard is editor of the work, first volume of which will be out in the spring.

Warners Win 3 Dec. Champions in Herald

Three of the six "Box Office Champions" for December selected by *Motion Picture Herald* and announced in the current issue of that publication out today, are Warner pictures. M-G-M contributes two and United Artists the sixth.

December "champions" are "Angels with Dirty Faces," "Dawn Patrol" and "Hard to Get," all Warners; "Out West with the Hardys" and "Sweethearts," both M-G-M, and "The Young in Heart," Selznick-U. A.

Mounties Forbidden To Aid on Pictures

Toronto, Jan. 26.—Canada's glamor boys are "out" as far as screen and radio are concerned. The Royal Canadian Mounted Police will lend its aid no more to the producers or authors responsible for narratives depicting the exploits of the force, according to official announcements by the R.C.M.P. Commissioner, because such cooperation tends to cheapen the corps—the Mounties must now run down their prey without thought of glorification on the screen.

Stars Will Appear At Benefit for NVA

Many stars of the stage, films and radio will appear on the benefit program for the National Variety Artists at the Alvin on Sunday, Feb. 19. Among them are Billy Gaxton and Victor Moore, Olsen and Johnson, Molly Picon, Al Trahan, Eddie Garr, Bill Robinson, "Fats" Waller, Sonya Maranneaux Ballet and Ted Friend. The affair is being sponsored by George M. Cohan and James J. Walker.

Morris Bischoff Dies

SANTA MONICA, Cal., Jan. 26.—Morris Bischoff, father of Sam Bischoff, Hollywood producer, died of pneumonia here today. He was a retired real estate broker and contractor of Hartford, Conn.

B'way Grosses Hit By Continued Cold

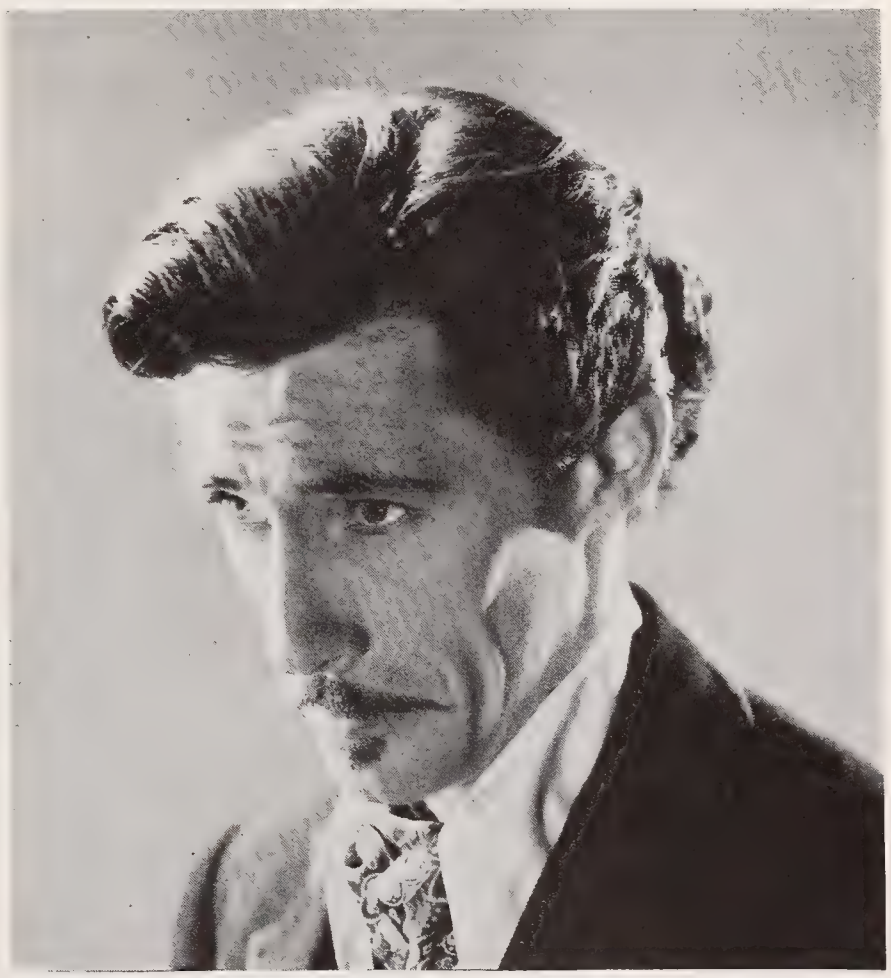
Continued cold kept business away from the box-offices along Broadway. Evening shows were most affected. "The Shining Hour" grossed an estimated $28,000 at the Capitol and was replaced yesterday by "Stand Up and Fight." At the Music Hall, "The Great Man Votes" finished with an estimated $62,000. Opening day business for "Gunga Din" was good.

First week of "They Made Me a Criminal" at the Strand grossed an estimated $40,000 and it was held over. "Jesse James" continued as the leading grosser with an estimated $62,000 in its second week at the Roxy, where it is continuing. Total of 315,000 have seen the film since its opening. "Gang Bullets" will open at the Central Saturday.

Fight Objectionable Oklahoma City Films

OKLAHOMA CITY, Jan. 26.—A committee to take steps to stop the showing of "objectionable" pictures here, has been named by the board of managers of the Oklahoma City Parent-Teachers Association.

The committee plans to call on Mayor Martin to protest the showing in the future of pictures similar to "Slaves in Bondage" which was shown for a week at the Rialto. "What we object to most is the theatre's advertising," Mrs. C. E. Hall, president, said. "This advertising was both in the newspapers and in front of the theatre."



JOHN CARRADINE as the mysterious Mr. Hatfield . . deft with cards, gallant to ladies. Running away from a past no one could guess. And paying with his life to balance unconfessed crimes with one good deed when the wilderness dealt death.

Walter Wanger's "STAGECOACH" Directed by John Ford Released thru United Artists

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Dec. 23	There's That Woman Again (G) (C) *Douglas Bruce*	The Girl Downstairs (G) (C) *Tone Gaal Connolly*	Wild Horse Canyon (G) (O) *Jack Randall*	Tom Sawyer, Detective (G) (D) (3816)	Shine On, Harvest Moon *Roy Rogers Mary Hart*		Thanks for Everything (G) (C) *Menjou* (917)	Trade Winds (G) (D) *Fredric March Joan Bennett*	Newsboys Home *Jackie Cooper Wendy Barrie*	The Dawn Patrol (G) (D) *Errol Flynn Rathbone*	The Long Shot (G) (D) *Gordon Jones Marsha Hunt* (Jan. 6)
Dec. 30	Smashing the Spy Ring (G) (D) *Fay Wray Ralph Bellamy*	Sweethearts (G) (M) *MacDonald Nelson Eddy*	Tough Kid (G) (D) *Frankie Darro Judith Allen*	Artists and Models Abroad *Jack Benny Joan Bennett* (3817)	Federal Man Hunt *Livingston Travis*		Kentucky (G) (D) *Loretta Young Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard Joan Fontaine*		Going Places (G) (C) *Dick Powell Anita Louise*	
Jan. 6 1939	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor Wallace Beery Florence Rice*		Disbarred (G) (D) *Gail Patrick Otto Kruger* (3818)	Fighting Thoroughbreds (G) (D) *Ralph Byrd Mary Carlisle*	Pacific Liner *McLaglen Chester Morris Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X (G) (C) *Michael Whalen Mary Hart*	The Great Man Votes (G) (C) *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein (G) (D) *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Trigger Pals (G) (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*		Drifting Westward (O) *Jack Randall*	Ambush (G) (D) *Swarthout Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	Exile Express *Anna Sten* (Jan. 20)
Jan. 27	Lone Wolf Spy Hunt (G) (D) *Warren William Ida Lupino*	Idiot's Delight (A) (D) *Shearer-Gable* Four Girls in White (G) (D)	Sundown on the Prairie (O) *Tex Ritter*	Paris Honeymoon (G) (C) *Bing Crosby* (3821)	Pride of the Navy (G) (D) *James Dunn Rochelle Hudson*		Jesse James (G) (D) *Tyrone Power Henry Fonda* (921)	Made for Each Other *Lombard Stewart*		King of the Underworld (G) (D) *Kay Francis Humphrey Bogart*	Ride 'Em Cowgirl (G) (O) *Dorothy Page* (Jan. 20)
Feb. 3		Honolulu *Eleanor Powell Robert Young*		St. Louis Blues (G) (M) *Lloyd Nolan Lamour* (3822)	Woman Doctor *Inescort Wilcoxon*	Fisherman's Wharf *Bobby Breen Henry Armetta Leo Carrillo*	The Arizona Wildcat (G) (C) *Jane Withers Leo Carrillo*	Stagecoach *Claire Trevor John Wayne Andy Devine*	Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 10	Texas Stampede *Starrett Meredith*	Adventures of Huckleberry Finn (C) *Rooney Connolly*	Navy Secrets *Fay Wray Grant Withers*	Persons in Hiding *Overman Naish* (3823)	Home on the Prairie (O) *Gene Autry*	Boy Slaves *Anne Shirley Roger Daniel* (G) (D)	Tail Spin *Alice Faye Constance Bennett Charles Farrell*		The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne deHavilland George Brent*	
Feb. 17		Fast and Loose *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	Boy Trouble *Ruggles*	Forged Passport *Paul Kelly June Lang Lyle Talbot*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers *Don Ameche Ritz Bros. Binnie Barnes*		You Can't Cheat an Honest Man *W. C. Fields*	Nancy Drew, Reporter *Granville Frankie Thomas, Jr.*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
Feb. 24	Let Us Live *Fonda O'Sullivan*	Ice Follies of 1939 *Crawford Stewart Lew Ayres*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation *Sylvia Sidney* Sunset Trail (3857) (O)	I Was a Convict *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Key Woman *Preston Foster Irene Hervey Walter W. Kin Fred Keating*	Yes, My Darling Daughter *Priscilla Lane*	



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QUIGLEY BOOKSHOP

ROCKEFELLER CENTER, NEW YORK CITY

Yankee and Giant Home Games to Be Aired Over WABC

WABC, local key station of CBS, will broadcast the games of the New York Giants and New York Yankees baseball clubs, in a deal involving sponsorship by three clients, who will share the cost equally. Only the home games of the teams will be broadcast, exclusive of Sunday contests.

Participating will be General Mills, Socony-Vacuum and Procter & Gamble. It is believed that the games will be shared by the clients on a rotating basis. Reports indicate that the managements of the Yankees and Giants each will receive $100,000 for the broadcasting rights to their 77 home games.

Socony-Vacuum and General Mills for the past several years have been radio's heaviest spenders for sports broadcasts.

Meanwhile, a station for broadcasts of the games of the Brooklyn Dodgers still remains to be secured, although rights to the games have already been purchased jointly by Socony-Vacuum and General Mills. WOR has been offered the deal but has refused unless road and home games are included. Taking only the home games, WOR would have no income from its afternoon hours for half the summer.

NBC, it is understood, has taken much the same stand as WOR and it is likely the Dodger games will be broadcast over one of the unaffiliated New York stations, possibly WMCA or WHN.

New Equipment for WLW in Operation

CINCINNATI, Jan. 26.—Installation of duplicate apparatus and automatic switching equipment has reduced the possibility of interruptions to WLW broadcasts to one-twelfth of that previously existing, according to R. J. Rockwell, technical engineer of the Crosley Corp.

This is part of an extensive two-year program of replacements and improvements of plant equipment, just completed, which gives the station a high-fidelity transmitter at nearby Mason, O., which will extend the fidelity of transmission considerably beyond the standard required by the F.C.C., Rockwell said.

CBS Adds WRVA in Southeastern Area

Improved coverage of the southeastern area is in prospect for CBS time users, beginning this month in Richmond, Va., and culminating with the addition of a station in Asheville, N. C., in June.

WRVA, Richmond, will begin operating with 50,000 watts on Jan. 28, a 10-fold increase in power, and WWNC, Asheville, will rejoin CBS as a member of the southeastern group in June. Base rates for the Asheville station will be $125 per evening hour. Also, a new sales policy will be inaugurated for this group on Feb. 1. Thereafter stations in the group will be available with the basic network in a group of not less than four stations in this territory.

Quebec Delays Ban On Radio Beer Ads

MONTREAL, Jan. 26. — Canadian Broadcasting Corp.'s decision to ban radio advertising of beers and wines in the Province of Quebec has been delayed.

With strong liquor ads banned on the air throughout the Dominion, and beer, wine ads ruled out in every other province, Quebec has remained the last stronghold of such promotion. Campaigning on the part of the Quebec Temperance League and Cardinal Rodrigue Villeneuve, Canadian head of the Roman Catholic Church, eventually gained strength and late last month local advertising agencies were preparing for the stroke that would wipe out one of the most remunerative lines of their business. They had set March 31 as the last date beer programs would be allowed on the air in Quebec.

Major Murray of the CBC, however, now states that the board of governors "is exploring the views and sentiments of the interested authorities" and will consider the matter when they meet in April.

House Leaders Map Wide Radio Inquiry

WASHINGTON, Jan. 26.—Representatives Connery and Wigglesworth, who yesterday reintroduced their resolutions for a House investigation of the Federal Communications, today began rounding up support with the view of turning the hearings into an open forum on radio. Their aim is to make the bill for reorganization of the Commission a vehicle for an investigation of the entire broadcasting situation.

Chairman McNinch of the F.C.C. has begun writing the measure which will be submitted next week to the heads of the Senate and House Interstate Commerce Committees. The new legislation will be in two parts, the first to provide a new three-man body and the second to set forth definite policies on superpower, ownership, etc., as set forth by President Roosevelt.

Ogilvie Says BBC Plans Nationwide Television Service

LONDON, Jan. 26.—F. W. Ogilvie, head of the British Broadcasting Corp. declared today that there will be no change seriously affecting television sets for some years, but that the television experimental days are not yet over.

British Broadcasting Corp. is aiming at a nationwide television service, he declared in an address at Alexandra Palace. The meeting was televised as part of a new sales campaign. C. O. Stanley, chairman of the manufacturers' group, stated his association had challenged manufacturers in the United States to a sales duel, the winners to stage a dinner which will be televised.

BBC has completed plans to increase the time of German news broadcasts.

Joan Crawford Will Appear in 'Gateway'

Joan Crawford will appear in RKO's "Gateway to Hollywood" series, produced by Jesse Lasky, on the Feb. 5 broadcast. Also scheduled for a radio appearance that same day is Loretta Young, who will play in the "Silver Theatre" over CBS.

Would Join RCA Suit

Another application by a stockholder of RCA for permission to intervene as a plaintiff in the stockholders' suits instituted in the N. Y. Supreme Court against RCA, its officers and directors, Westinghouse Electric & Mfg. Co., General Electric Co., American Telephone & Telegraph Co., was filed yesterday. The applicant, Herman Wangrow, is seeking to intervene, as plaintiff in the three stockholders' suits as holder of 100 shares of RCA common stock.

Crosby on Guild Show

Bing Crosby, Hugh Herbert and Jane Withers will be the principals in the Screen Guild show over CBS Feb. 5. Gregory LaCava will direct the broadcast.

WNYC Uses Film Device to Describe City Departments

A new style of "documentary" radio for planned on-the-spot transcribed broadcasts involving editing and cutting methods of motion pictures is being planned by WNYC, New York's municipal station.

WNYC's method resembles that of film production in that it involves "takes" and "retakes" and an editing process. Now in production are a number of programs that will afford a radio picture of various municipal departments selected for test programs. These include health centers, the Police training school, the Municipal market and similar places.

Already completed is a recording of a day spent in a neighborhood health center. Recorded were actual conversations between mothers, children and nurses, and physicians and nurses. Several hours of material was recorded. Whenever necessary "retakes" will be made of unsatisfactory scenes, and finally a narration will be written in.

This "documentary" method of radio is new to America, but it has been used extensively by the British Broadcasting Corp. The French Government also uses the method and at the present time a French unit is touring the United States, recording American scenes and industries. The French staff is being assisted by men from NBC and CBS.

Banner LINES

ORDEAL of Mutual's special events staff in standing a day-long watch on a windswept pier awaiting the docking of the *Esso Baytown* with the survivors of the *Cavalier* has bedded the entire crew that worked the assignment. Air reporters Dave Driscoll and Al Josephy, and engineers MacKenzie Reid, Charles Kibling and George Brazee are those suffering from the exposure.

▼

Most surprising factor to emerge to date from the AFRA-4A battle is the attitude of Frank Hummert, New York head of the Blackett-Sample-Hummert agency. AFRA expected the greatest opposition from him, but he has been most conciliatory and in all likelihood will be among the first to sign the union's code. Hummert, incidentally, has been one of the most misunderstood men in the industry, because he has preferred to keep himself apart from the profession. Now, however, the rank and file are discovering what his few intimates have known all the while—that he is an utterly fair, reasonable and unbiased gentleman.

▼

New York network stations have tended to ignore local coverage in the past, leaving that field almost exclusively to the independents. CBS is currently reversing that policy with a new program and production setup for WABC which is proving itself. Headed by George Allen, Dick Swift and Henry Untermyer, such programs as Phil Cook's "Morning Almanac," Charles Stark's "Oddities in the News" and John Allen Wolf's "Early Morning News" and the new Budd Hulick stanza have been sold to local sponsors. Concentrating on community coverage and service, WABC is now featuring farm news, Mel Allen's sports programs, George Perrine's "This Town Is Ours" and Ruth Brine's commentaries. The new CBS policy is bound to bring increased local activity on the part of other New York network stations, resulting in improved service in the eastern area.

▼

This column is worth $1,000 today. According to *Billboard,* mention of the name of any radio performer in a trade paper is worth $5 for the publicity.

Heard on the air yesterday were: U. S. Army Band (50 pieces), Fire Dep't Band (35 pieces), "Pepper Young's Family" (seven to the family), "Johnson Family" (six to the family), "Battle of the Sexes" (four to each sex), Lud Gluskin's orchestra (18), Allan Kent, Easy Aces (2), "School of the Air" (22 at school), Bob Hope, Ed G. Robinson, Claire Trevor, Grand Duchess Marie, Gen. Hugh S. Johnson, Don Winslow of the Navy (and eight shipmates), Nick Kenny in comments, "Voice of Experience," Missing Persons News (14 missing), "Just Plain Bull-er-Bill," "The O'Neill's" (eight of 'em), Mr. Keen, Tracer of Missing Persons (nine m. p. traced), Van Steeden's orchestra (16).

Pay-off line forms to the right, please.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 20 NEW YORK, MONDAY, JANUARY 30, 1939 TEN CENTS

Games Ban in N.Y. Hinges on Case in Harlem

Suit Will Guide Future Course Here

Future of chance game elimination in the New York metropolitan area hinges on the outcome of a lottery case involving the Jewel Theatre in Harlem, which is to be heard in Special Sessions Feb. 15.

This was decided Friday at a conference called by License Commissioner Paul Moss and attended by representatives of several halls, organizations and churches on Staten Island, where the Commissioner had planned to inaugurate a test of the games' elimination.

Commissioner Moss said that the non-theatrical sponsors agreed to abandon the games only if the lottery charges in the Jewel Theatre case are upheld. Operators of the 14 theatres on Staten Island have agreed to discard the games if halls and churches agree to do so.

The Commissioner declared he had received commitments to eliminate games from the American Legion, operators of games in six halls, and the Catholic and Ukrainian churches and Temple Emanuel, but all hinge on the Jewel case decision.

The Jewel hearing was originally scheduled for last November and has been postponed twice since. The previous date was Jan. 31.

Hill Heads Hearing On Block Booking

WASHINGTON, Jan. 29. — Block booking legislation will be the subject of hearings before a sub-committee of the Senate Interstate Commerce Committee, headed by Senator Lister Hill, Ala.

At Senator Hill's office it was said today no date has yet been fixed for hearings.

Giveaway Study

In this issue *Motion Picture Daily* publishes a third installment of a survey which it has made on chance games and giveaways around the country. Earlier installments were published on Jan. 23 and 25. *Motion Picture Daily* invites reader comment on the subject.—Page 6.

Assign Crisis Role To British Houses

London, Jan. 29.—Following conversations between the Cinematograph Exhibitors' Association and the British Home Office and other Government departments, a plan has been prepared which outlines the role of the film theatres of the country in the event of any international crisis involving England.

Although details are not available, it is understood the plan covers the part to be taken by the theatres as places of public assembly, and the powers and duties of the theatre personnel.

1938 Theatre Building Jobs Decline to 751

Total of 751 theatre construction projects, including new theatres and substantial remodeling, is reported for 1938 in the 37 states east of the Rocky Mountains. In 1937 the total was 884.

Value of theatre projects covered by the analysis is $20,996,000, compared with $27,227,000 the year before. Floor area involved dropped from 4,043,000 sq. ft. in 1937 to 2,719,000 sq. ft. last year.

The figures are from the Dodge

(*Continued on page 10*)

TEN STUDIOS FACE CHARGES BY NLRB

MP Fund Put On Workable Income Basis

By SHERWIN A. KANE

Hollywood's Motion Picture Relief Fund, which was given a modest beginning by Mary Pickford in 1921, and has carried on through the intervening years largely through the bounty of its friends, has achieved within recent months a business-like income plan which promises to care for the thousands who receive assistance from it annually without being faced at each year's end with a growing deficit.

Jean Hersholt, president of the Fund, who is visiting New York, tells its story reluctantly. The last publicity the fund received resulted in new applications for aid but uncovered no new donors.

The Fund was reorganized early last year, with its management being turned over to a board of 33 trustees appointed by the various Hollywood guilds and unions. Every Hollywood employe earning $100 or more weekly is asked to give one-half of one per

(*Continued on page 9*)

Hearing Set for Feb. 13 on Complaints of Screen Writers

WASHINGTON, Jan. 29.—Complaints charging 10 studios with violation of the National Labor Relations Act have been issued by the N. L. R. B. A hearing on the case has been called for Feb. 13 in Los Angeles. Named as respondents are Universal, Hal Roach, Selznick International, 20th Century-Fox, Loew's, Warners, RKO, Columbia, Paramount and Samuel Goldwyn.

The board charges failure to recognize the Screen Writers' Guild after it was certified as bargainer. It is allged that this constitutes an unfair labor practice and further that the studios have "interfered with, coerced and restrained" employes in exercise of their rights under the Act.

Efforts to discourage membership in the Guild are alleged. Certain studios also are accused of threatening to close down if certain changes occurred in the Guild organization.

The "plan of interference" also included an agreement with Screen Playwrights, it is charged, despite the fact that this group did not represent a majority of writers.

Allied Sponsoring Patriotic Trailers

Allied States is sponsoring the production of a series of patriotic trailers, which will be available to Allied members through the regional units. Each will feature an outstanding living American, a message or excerpt from a public speech by the person featured, and the flag.

Production will be by National Screen Service. The first is on President Roosevelt and is now in production. The trailer will feature an excerpt from the President's message to Congress, stressing personal freedom and religious liberty and the Bill of Rights. The running time of the subjects will not exceed three minutes each.

Allied's board has authorized the production of the trailers, as a reminder to patrons of "the glory of your country and the blessings of American citizenship." They will be available at cost.

National Screen has also in production a series of patriotic trailers for general distribution. The third, on the bill of Rights, is being made.

Radio Film Critics Circle Plans 'Best' Awards for '38

Awards indicative of the relationship between films and radio will be made for 1938 by the newly organized N. Y. Radio Film Critics Circle. One will be a citation to the best radio personality in films and there will be one for the screen personality adjudged to have done the best work in radio during the year.

Sidney Kaufman of WQXR was named temporary chairman of the group at a meeting on Friday. De Ward Jones of the Radio City Music Hall publicity staff was named press representative. Election of permanent officers will take place at a luncheon meeting Thursday at the Edison.

A code of conduct on the air is to be adopted at the next meeting. The code will be aimed to promote higher standards in the relationship between films and radio and will include a definition of professional standards for film commentators on the air. Weekly meetings will be held.

Membership eligibility is restricted to commentators who have reviewed films for at least one year.

The Circle intends to issue a weekly digest of film programs. It will be available to the film industry.

Charter members include: Radie Harris, WOR (Mutual); Martin Starr, WMCA (Intercity Network); Sam Taylor, WHN; Martin Weldon, WINS; David Lowe, WNEW; Mrs. James F. Looram, WBNX; Sidney Kaufman, WQXR; Mary Bryan, WABC (CBS), and Frank Daniels, WVFW.

Purely Personal

GEORGE P. SKOURAS, president Skouras Theatres Corp., is ill at his home in Greenhaven.

•

MAX COHEN, assistant manager at Universal's New York exchange, left Friday for a two-week vacation in Miami. LEO ABRAMS, branch manager, is expected today or tomorrow from that resort. BEN PRICE, Universal salesman, left Friday for two weeks.

•

JERRY BUCHBINDER, manager of the Majestic in Perth Amboy, left yesterday for a month's vacation in Miami.

•

GEORGE STROUD, manager of the Palace, Hamilton, Ont., placed first in a Canadian contest for the best exploitation on "Love Finds Andy Hardy." First prize for best comparative gross was won by N. J. DUNCAN, Orpheum, Vancouver.

•

WALTER HOFFMAN, manager of the Park in Morristown, leaves Feb. 11 for a month in Miami.

•

MARTIN LICHT, French film producer, sailed on the *Champlain* Saturday. Other passengers were ANDRE MERTENS, European representative of Columbia Concerts Corp.; JACQUES ERWIN, French actor; OGDEN NASH and ARGENTINITA, dancer.

•

DON DE LEO, who was featured in "Desire to Live," has been signed to appear in "Lying Lips," to start Feb. 6 at Biograph Studios, under the direction of OSCAR MICHEAUX.

•

WAYNE MORRIS and his bride, the former LEONORA SCHINASI, flew in from Havana over the weekend to attend the President's birthday ball in Philadelphia.

•

HENRY HATHAWAY has arrived to confer with DOUGLAS FAIRBANKS, JR. who will have the lead in "Knights of the Round Table," which HATHAWAY, will direct.

•

IRWIN MARGULIES of the M-G-M home office legal staff, is the father of a daughter, born to MRS. ROBERTA MARGULIES at Doctors' Hospital on Friday.

•

GRACE MOORE was informed on the eve of her performance of "Louise" at the Metropolitan Saturday that she had been made a member of France's Legion of Honor.

•

PETER J. RATHVON has deferred his departure for the coast indefinitely. When he goes it will be on business other than for RKO.

•

MR. and MRS. JOHN BARRYMORE have leased an apartment on Central Park West.

•

FRED EHRMAN of Lehman Bros. leaves Feb. 10 on a visit to San Francisco.

•

JOSEPH SEIDELMAN, Universal vice-president and foreign manager, arrives in New York today from the coast.

•

SYLVIA SANDERS of Sanders Films, which released "Moonlight Sonata" starring Paderewski, sailed on the *Champlain* Saturday for London and Paris.

•

MURRAY SILVERSTONE, United Artists chief executive, is expected back in New York from the coast within the next few days.

•

TINA KREISBERG of M-G-M's publicity department was married Saturday night at the Essex House to JONAS WELFAND.

•

ELEANOR POWELL will attend the President's birthday ball in Washington tonight and then head for the coast.

•

TOY and WING, Chinese dance team at the Strand, go on tour and will be married in San Francisco.

•

RALPH CLARK, SR., managing director for Warners in Australia, will arrive in New York Feb. 3 for home office conferences.

•

CLAIRE TREVOR left New York Friday for the coast after three weeks in New York.

•

TOM POZIN, assistant booker at the Columbia New York exchange, is the father of a nine-pound boy.

Insiders' Outlook

By SAM SHAIN

A RADIO and legit performer who has been much sought for recently by film companies to make pictures for them, got an offer of $100,000 per film. It would have been his first picture role. Yet he rejected the offer.

At dinner that night he told his wife he had turned down an offer of $100,000.

"That was when two fools met," she reproved.

"What do you mean?" the husband asked.

"Well—whoever offered you $100,000 per picture is a fool, and you were a fool for turning it down."

▼ ▼

A courageous independent company chieftain has given Hollywood something to think about by ordering the main leader on all his firm's product to be curtailed to include only the picture's title and the cast list. The remainder of credits are to follow at the picture's end. His order is predicated upon the fact that credit listings, outside of the cast, interest Hollywood mainly, and not the cash customers.

▼ ▼

Not many young newcomers to the screen can bow to such plaudits as were conferred by all of the New York film critics on John Garfield for his work in "They Made Me a Criminal," Warner Bros. picture. It is an impressive tribute when such a group rises unanimously to call him a star.

▼ ▼

When a picture comes in under the budget, and particularly a picture which was made in the east, it is worth noting. That picture is "One Third of a Nation," to be released by Paramount soon. Harold Orlob had the film budgeted at $200,000, but the final pay sheet shows that there is still a part of the money left in the treasury, with the film completed.

▼ ▼

On the other hand, another film which was completed recently here and which was budgeted at $300,000, has cost $525,000. That's worth mentioning also.

▼ ▼

A producer who is noted for his broad eccentricities recently amazed his fellow stockholders by asking them to make him sole trustee of their firm with sole power to name the company board. The shareholders recovered in time to vote down the proposal.

▼ ▼

"Gunga Din" is an achievement to make the industry proud. We have seen it. It is one of our truly great pictures. It has man-sized humor, romance and action.

Court Passes Plan For Fox Liquidation

Circuit Judge Martin T. Manton on Friday handed down a decision approving the proposed plan of liquidation of Fox Theatres Corp. submitted by Milton C. Weisman, receiver, which will effectuate discharge of Weisman from his office and transfer of the assets of the company to two trustees, to be appointed by Judge Manton.

Assets of the company were listed in the proposed plan at $150,785 current and $358,957 in investments in four subsidiary companies, and a claim of $7,500,000 against William Fox. Liabilities are listed at $8,100,350, plus a contingent claim of Fox for $7,186,000. An eight per cent dividend on allowed claims of $8,100,350 has been paid.

Judge Manton also handed down a decision disallowing a claim of $250,000 filed against Fox Theatres by Myers & Keating, Jack Leo and Hanover Capital Trust Co., as assignees of Alfred E. Fiegel. The claim, which had been based on a contract for the solicitation of advertisements for the Fox Weekly, had been previously disallowed in a report of Special Master Courtland Palmer.

Today's Mail

Calls Survey Invaluable

EDITOR OF MOTION PICTURE DAILY:

Your survey on the games situation throughout the country provides us here, in New York, with invaluable material in our efforts to eliminate this sore-spot on exhibition.

The I.T.O.A. is now cooperating with city officials in their attempts to purge the city of games and in fact, we are making an intensive survey of the New York area to ascertain exhibitors' exact feelings in the matter.

The sooner we can go back solely to the business of showing motion pictures in our theatres, the sooner we will see a new day in our industry.

Congratulations on a fine service.

HARRY BRANDT,
Pres., New York I.T.O.A.

Helprin Sails Feb. 10 For Talks with Korda

Morris Helprin sails for London Feb. 10, on the *Queen Mary*. He is going abroad for conferences with Alexander Korda (London Films) in connection with the latter's latest picture, "Four Feathers," which is now being prepared for United Artists release. Helprin will be in London for several weeks.

Henry T. Moore Dies; Exhibitor in Tacoma

TACOMA, WASH., Jan. 29.—Henry T. Moore, a motion picture exhibitor for 33 years, died Thursday at Tucson, Ariz. One of the outstanding figures in the industry in the Northwest, Moore had operated in Tacoma for 25 years. He was operator of the Rialto and Lakewood here.

Mexico City Houses Must Pay Tax Daily

MEXICO CITY, Jan. 29.—Daily payments of their municipal amusement taxes is the new order of settlements for local film houses. The civic fathers say that day by day settlements spare the city treasurer and the exhibitors headaches in auditing.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

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FANCHON & MARCO PRESENTATIONS
..FAMOUS FOR A GENERATION
..BRING THEIR DISTINCTIVE
SHOWMANSHIP TO A NEW SERIES
OF SHORTS. HERE IS A FANCHON &
MARCO UNIT FOR YOUR SCREEN.

MUSIC HALL VANITIES

Produced and Directed by Arthur Dreifuss . . . Featuring NAME talent from stage, screen and radio!

NOW IN RELEASE—The First Of The Series

"A NIGHT IN A MUSIC HALL"

with Pinky Tomlin, composer of "Object Of My Affections" singing his latest number, "If It Wasn't For The Moon" . . . Nell Kelly, Betty Atkinson, Estelle Preston, The Majorettes, The Fanchonettes . . . a bevy of dancing beauties . . . and Ben Black and his Orchestra.



COLUMBIA PICTURES

A COLUMBIA PICTURE

"Three Cheers

IT'S EVERYTHING PROMISED! . . . IN THE ALL-TIME TOP-MONEY BRACKET AT RADIO CITY, HOLLYWOOD AND MIAMI!

GET SET FOR YOUR 1939 RECORD-BREAKER!

"A real movie, with more action than you can imagine crowded into one picture . . . Pulls the motion picture out of the static state into which it has lapsed . . . I don't think I've ever felt an audience so tense."

—Eileen Creelman, N. Y. Sun

"Excellent . . . rousing melo-drama . . . the entertainment characteristics of The Three Musketeers, Captain Flagg and Sergeant Quirt, and the Beau Geste-Bengal Lancer boys."

—Archer Winsten, N. Y. Post

"A swell picture . . . has life and gusto and zest; it moves along with the force of a gale, sweeping everything before it."

—Leo Mishkin, N. Y. Morning Telegraph

Es.
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for 'Gunga Din'"

...shouts N.Y. Daily News

"Three cheers for 'Gunga Din.'

A rip-snorting, swashbuckling thriller . . . A rousing screen spectacle that keeps Music Hall audiences glued to their seats for two thrill-packed hours." —*Kate Cameron, N. Y. Daily News*

"Recommended most enthu-

siastically . . . Broadly comic, packed with thrills, ruthlessly tear-jerking . . . A complete show for any fan's money." —*Bland Johaneson, Daily N.Y. Mirror*

"Great . . . a striking pageant

of frontier warfare . . . stretched to the breaking point with suspense." –*Howard Barnes, N. Y. Herald-Tribune*

"Magnificently explosive

action . . . most spectacular bit of cinema . . . taut with suspense . . . moves with discipline, dash and color." —*B. R. C., N. Y. Times*

"Just about one of the finest

films I have ever seen. A masterpiece of action and melodrama . . . brilliant and distinguished." —*William Boehnel, N. Y. World-Telegram*

"Impressive action drama . . .

filmed on a large and spectacular scale...Vividly staged battle sequences . . . stirring fighting . . . heroic story." —*Rose Pelswick, N. Y. Journal & American*

RKO RADIO PICTURES

Big City Theatres Condemn Use of Games

By SAM SHAIN

Some exhibitors, particularly those in small localities, place so much box-office value on chance games that it is a wonder they bother to play pictures at all.

Big city and small-town exhibitors differ regarding the box-office worth of such games.

The big city theatre operators, generally, condemn the use of chance games to stimulate trade and would like to get rid of them. Most feel that they are obliged to use chance games to attract trade because of non-theatrical competition in this field. Denver is the exception.

Denver is one of the greatest giveaway cities of the country. The Colorado city was among the first to give away automobiles, and today, all but three first runs in Denver operate with some giveaway scheme.

Some Churches Have Quit Games

There are instances where churches, of their own accord, or by order of ecclesiastical authority, have ceased to operate games. Theatre owners, in the main, however, seek accord from their competitors before stopping the games.

In the wide open cities and towns, the chance games are considered highly profitable, as in Reno and Kansas City, Mo.

Many exhibitors around the country claim that they were compelled to adopt games because of the fact that churches, lodges and clubs went heavily into the "bing-bango" business.

These are some of the findings of today's installment of the cross-country survey on chance games and giveaways, by MOTION PICTURE DAILY.

Non-Theatrical Competition Is Leading Factor

Des Moines

Population, 146,000; four first runs, average 1,600 seats, 25c-41c; 15 subsequents, 500 to 700 seats, 16c-26c. Bank Night is the game here. All first runs have it. Subsequents have been running Bank Night the last four years.

Tri-States Theatre Corp. (A. H. Blank) has all Des Moines first runs and four of the subsequents and is strong in the state. Of about 600 theatres in Iowa, all but a score have chance games.

In Des Moines, Tri-States gives away about $13,000 yearly, the independents about $6,000. The State Supreme Court ruled Bank Night not a lottery, in a case involving a theatre in Newton, Ia. Theatres say the games pay, otherwise they would discard them. Tri-States advertises the games in newspapers, and stories of winners are printed in newspapers the following morning. The independents advertise results of drawings.

Tri-States intends to continue Bank Night, but some of the independents in the state are beginning to lose interest. The games are said to be a great attraction in some small towns, and the merchants are said to be for them as they bring people to town. Myron Blank, who, with others, controls Bank Night rights in this area, claims "50 theatres would have to close" if it were not for Bank Night.

●

Denver

Population, 285,000; seven first runs, 12,453 seats; 25c-50c; 28 subsequents, 25,464, 10c-30c. Games have been used here several years. All first runs but the Orpheum, Denham and Broadway have them. The City Council removed restrictions on theatre giveaways a few years ago. Auto and grocery giveaways are strong here. Theatres claim games and giveaways pay and will continue. Halls and some churches have games and some dance halls started them after they began in theatres. Theatres last year gave away about $87,000. Prizes are advertised in newspapers indirectly and openly in a shopping paper since it does not go through the mails.

Giveaways have been used here for 25 years. Harry Huffman, now city manager for Fox, has given away a Ford a week for several years, together with cash awards most of the time. During 1938 the Fox houses gave away 52 Fords and about $60,000, besides Grocery Nights.

Dave Cockrill's four houses dropped giveaways last June. He gave away about $20,000 last year. He feels they hurt the big pictures.

●

New Orleans

Population, 550,000; four first runs, 12,000 seats, 26c-41c; 46 subsequents, average 700 seats, 10c-16c. Games have been used here about three years, but only at subsequents. Exhibitors do not like them, claim they do not pay, and would be willing to eliminate them if all agreed and if non-theatrical places also discarded them. About one-fifth of the lodges, churches and clubs in the city run games, more than prior to the introduction of games in theatres. There have been no attempts to stop games, by law or otherwise. Exhibitors do not believe non-theatrical places could be induced to stop them. Newspapers take game advertising, which is veiled to avoid violating postal laws.

●

Kansas City

Population, 400,000; five first runs, 11,224 seats, 25c-40c top; 51 subsequents, 43,205 seats, 10c-35c. Chance games have been reduced here by the state authorities. Only a half-dozen theatres in the city still use them, and none of the first runs have ever adopted them. John McManus, manager of Loew's Midland, thinks they are ruinous to the industry, locally. Once strongly entrenched, games went out of general vogue with the Post Office ban on Bank Night and the Attorney General's and courts' ruling against chance games. Ten-O-Win and Screeno are still used, as they are said to get by the law. Estimated total prize money given away in a year here is $5,000, but it was much more.

This town is "wide open," and Bingo parlors flourish, particularly in the suburban shopping centers. The churches and lodges, therefore, do not have Bingo games to any great extent. The exhibitors deny their games encourage similar games in clubs, lodges, etc. The local authorities are condoning the games, despite the state officials' and courts' ban. Exhibitors would use games extensively, as they once did, if they could legally. They believe such stimulants highly profitable. Newspapers did carry "hidden" messages on the theatre chance games, but have since banned them.

St. Joseph, Mo., in the Kansas City territory, uses games. The Dubinskys, who control the town, claim the games "keep the theatres open."

●

Newark

Population, 443,000; five first runs, 11,473 seats, 25c-55c; 33 subsequent runs, ranging from 500 to 1,600 seats, 10c-35c. Cash games are taboo here, but merchandise giveaways are prevalent, including Race-Reel, Bingo, Lucky, Jumbo, etc. Twelve Warner theatres confine giveaways to dishes. The Terminal is the only first run giving merchandise premiums. Exhibitors feel the giveaways and games, which have been in use two or three years, encouraged Bingo and Lucky at clubs and lodges, which have adopted them extensively. Exhibitors feel that the non-theatrical places would continue the practice regardless of their own elimination. No attempt has been made to abandon or ban the practice, and exhibitors plan to retain it, although they do not think it profitable. Newspapers accept premium ads.

●

Jacksonville

Population, 150,000; three first runs, 35c-40c; five subsequents, 15c-25c; total seating, 4,000. All theatres, including first runs, use games, which have been in vogue six years. Exhibitors have no idea of stopping them. Bank Night is biggest draw. Total yearly giveaway is $10,000. Exhibitors feel games are profitable. They are not advertised in newspapers. Lodge, club and church games are few. There has been no attempt to stop them.

Denver Major Giveaway Spot In the Nation

Albany

Population, 135,000; four first runs, 8,800 seats, 35c-40c top; seven subsequents, 8,100 seats, 10c-25c. Games have been here four years, including at two first runs. About $15,000 is given annually. Clubs and lodges antedated theatres in playing games. Church authorities stopped games at churches in 1937. Exhibitors claim non-theatrical games induced their adoption at theatres and that clubs would not stop if theatres did. Exhibitors would stop them if others did. Exhibitors consider them profitable. Lodge prizes often exceeded $300. One Bank Night pool at theatres totaled $2,100. Subterfuge ads are carried in newspapers. A couple of theatres give dishes, but raise prices for the premiums.

●

Troy

Population, 72,000; three first runs, 6,200 seats, 40c top; five subsequents, 4,300 seats, 15c-25c. Games have been used here about four years. No first runs play them. Prizes total $6,500 annually. Churches had big weekly Bingo games, but stopped on orders of Bishop. Clubs have extensive games. They preceded theatre games and their volume is probably bigger now than in 1935. Exhibitors consider games profitable, but would quit them if the clubs did. Despite the competition, theatres here have not used games as much as corresponding cities. Newspapers carry subterfuge ads, with copy such as "Surprise Night" or "50 reasons why you should attend."

●

Reno, Nev.

Population, 22,000; two first runs, 2,400 seats, 25c-40c; two subsequent runs, 1,500 seats, 15c-25c. Theatres started games about six years ago. Now only one first run uses them, playing Ten-O-Win, giving about $1,500 a year. The theatre feels the game is profitable. This is a "wide open" town, with gambling countenanced. Newspaper takes chance game ads. Clubs and lodges do not run games, as there are plenty of other gambling places. The two second run theatres offer no prizes.

[*This is the third of a series of articles surveying the giveaway situation in the country. The next will appear in an early issue.*]

$400,000 Given in Conn. During 1938

In Connecticut during 1938, it is estimated that $400,000 was distributed in theatres and churches in the form of cash prizes and giveaways.

Most of the theatres in the state run giveaway nights one or two evenings weekly. Certain theatres give away dishes for two days, others just glassware, and still others socalled beauty ware.

Poor Films Excuse Called Poor Alibi

Harry Brandt, president of the New York I. T. O. A., has received a number of letters from exhibitors in other cities regarding elimination of giveaways.

Some of the letters blame poor product for the growth of chance games, which Brandt claims is just an alibi.

Hold your sides and watch your heart . . .



. . . here comes the big new Bobby Breen show . . . .

Laughs, thrills and unique screen adventure midst backgrounds never before used for a picture—the colorful colony of fisherfolk who work and sing their way through life along San Francisco's colorful "Dead End"—that little bit of the Old World that begins at the foot of Taylor Street, and ends in the mists of the Golden Gate!...New, novel entertainment brought to you by a sterling box-office cast and a producer who knows what you want!



Loew's to Put Lower Scale in Effect in 9 Houses on Weekend

Revised admission scales effective at nine Loew houses in Brooklyn and Manhattan, next weekend, have been made known by C. C. Moskowitz, circuit executive. RKO neighborhoods will institute similar revisions.

The changes are designed to meet comparable levels at de luxe first runs in those zones. The cuts are five cents in all instances but four, which are 10 cents. Prices include tax in the revised scale, which follows:

175th St. Theatre: Saturday, 5 P. M. to close, and Sunday and holidays, 2 P. M. to close, loges, 50c (formerly 59c), orchestra and balcony, 40c. Sunday and holidays, 12 to 2 P. M., loges 40c, orchestra and balcony, 30c (formerly 40c). The latter two prices formerly changed at 1 P. M. Monday to Thursday evenings, new prices are, loges 45c and orchestra and balcony, 35c. All other prices remain the same.

Rio Theatre: Saturday, Sunday and holiday, evenings only, loges, 45c; orchestra and balcony, 35c. Sunday and holidays, 12 to 2 P. M., loges, 35c; orchestra and balcony, 25c. Other prices remain the same.

Sheridan Theatre: Sunday and holiday, 12 to 2 P. M., loges, 40c; orchestra, 30c (formerly 40c); balcony, 30c. Other prices are unchanged.

Alpine, Oriental, 46th St., Coney Island, Boro Park Theatres: Sunday and holiday, opening to 2 P. M., adults 30c.

Kings Theatre: Sunday and holiday, opening to 2 P. M., adults 30c (formerly 40c).

Hearings Concluded In 'Letty Lynton' Suit

Hearings before Special Master Kenneth E. Walser in the "Letty Lynton" infringement suit against Moredall Realty Corp., operator of the Capitol, were concluded Friday. Both sides were given until Feb. 17 to submit briefs.

Question involved is whether an exhibitor who plays an infringing picture must surrender all his profits to the authors or merely that portion attributable to the film. The defense contends that its stage show policy, which was in force when the film was shown, accounted for a substantial part of the profits.

Plan Birthday Fete For Al Reid Feb. 8

Al Reid, general manager of Fabian Brooklyn Theatres, will be tendered a birthday dinner by the employees of the Brooklyn Paramount, Fox and Strand Theatres on Wednesday, Feb. 8. The following are in charge of arrangements: Tickets, Harold Fisher, Charles Dowe and William McLaughlin; publicity, Joe Lee, Sonny Schlenger and Teddy Trust; entertainment, Al Rogers, Bill Miller, Charles Dowe and William McLaughlin. Name bands and stars of stage, screen and radio will entertain. Delegations from Buffalo, Albany, Syracuse, Middletown, Schenectady, Newark, Paterson and Westfield will be on hand.

MP Relief Fund Put On Workable Basis

(*Continued from page* 1)

cent of his salary to the Fund. In the case of Screen Actors Guild members the contribution is compulsory, irrespective of amount of salary earned. This provided the backbone of the fund until recently, when arrangements were made with Gulf Oil for a weekly radio program to be created by the Screen Actors Guild, with stars donating their services. From this, the Fund will receive $10,000 weekly for 39 weeks.

Minor sources of revenue come from spontaneous activities. The sale of Christmas cards designed by Shirley Temple brought $5,000; a benefit polo game netted $2,700; the Fund receives 10 or 15 per cent of the receipts of benefit performances by Hollywood professionals and, henceforth, it will receive a 10 per cent share of the industry's community chest contributions, which last year amounted to $400,000 in Hollywood.

Of its expenditures of $325,000 last year on all cases, $50,000 went to more than 100 Hollywood "veterans"—former actors, directors, writers—not all aged, not all infirm, but all without personal funds and without a chance of ever again being employed. Some of these are carried, with their families, year after year by the Fund. Arrangements are now being made by which producing companies will underwrite the cost of providing for such cases through regular contributions to the Fund, leaving its entire income for the care of emergency and sick cases and to create a fund for erection of an aged actors' home. The latter purpose, incidentally, was the one for which the Fund was created originally, but day to day cases perpetually diverted the funds on hand so that no home has been built yet.

Anyone who has worked in pictures three years is eligible to receive assistance from the Fund. Its $325,000 disbursement last year cared for more than 2,000 cases; represented an increase from $196,000 of disbursements in 1937. Both years ended in the red. The Fund is efficiently administered. In recent years its operating costs were reduced from 12 per cent to nine per cent; yet it handles 65 to 70 cases daily, employs a staff of nine social workers and retains a staff of physicians.

Court Calls 7 Before Trial of Tully Suit

William K. Howard, Bernard Steele, president of Odessco Productions, Inc.; Al Wilkie and Robert M. Gillham, publicity and advertising directors of Paramount Pictures, Inc., John Bright, Robert Tasker and H. B. Cruikshank were ordered on Friday by Federal Judge Murray Hulbert to submit to an examination before trial on Feb. 3, on application of Jim Tully. Tully is suing Paramount, Odessco and Howard for $50,000, claiming violation of the New York Civil Rights Law in the alleged wrongful use of his name to advertise the picture, "Home Town."

Two Set for Selwyn

HOLLYWOOD, Jan. 29.—Edgar Selwyn will produce "Maiden Voyage" and "The Kid from Texas" for M-G-M.

Mexico Sees First US Style Newsreels

Mexico City, Jan. 29.—American style newsreels of Mexican events are being made here for the first time by Salvador Fruneda and Luis Manjarrez.

St. Louis Operators Sue Union Leaders

ST. LOUIS, Jan. 29.—Charges of gross mismanagement of union affairs were made in a suit filed here Friday by 19 members of Local 143, M. P. & Projecting Machine Operators' Union. Named as defendants were John P. Nick, president of the local, Clyde Weston, business agent, and George E. Browne, president of the I. A. T. S. E.

Petition alleges that $45,000 is missing from the union's treasury and asks for return of the amount, ouster of officials, and the appointment of a receiver. First hearing is set for Feb. 9 before Judge Ernest Oakley.

Mexico's Labor Czar Writes Film Serial

MEXICO CITY, Jan. 29.—Lic. Vicente Lombardo Toledano, secretary general of the Confederation of Mexican Workers, Mexico's labor czar and former dean of the law school of the National University of Mexico, makes his bow as a movie scenarist. He has ready for submission to Mexican producers a script entitled "A Fallen Star."

Warner Net Profit In 13-Week Period Shown at $103,804

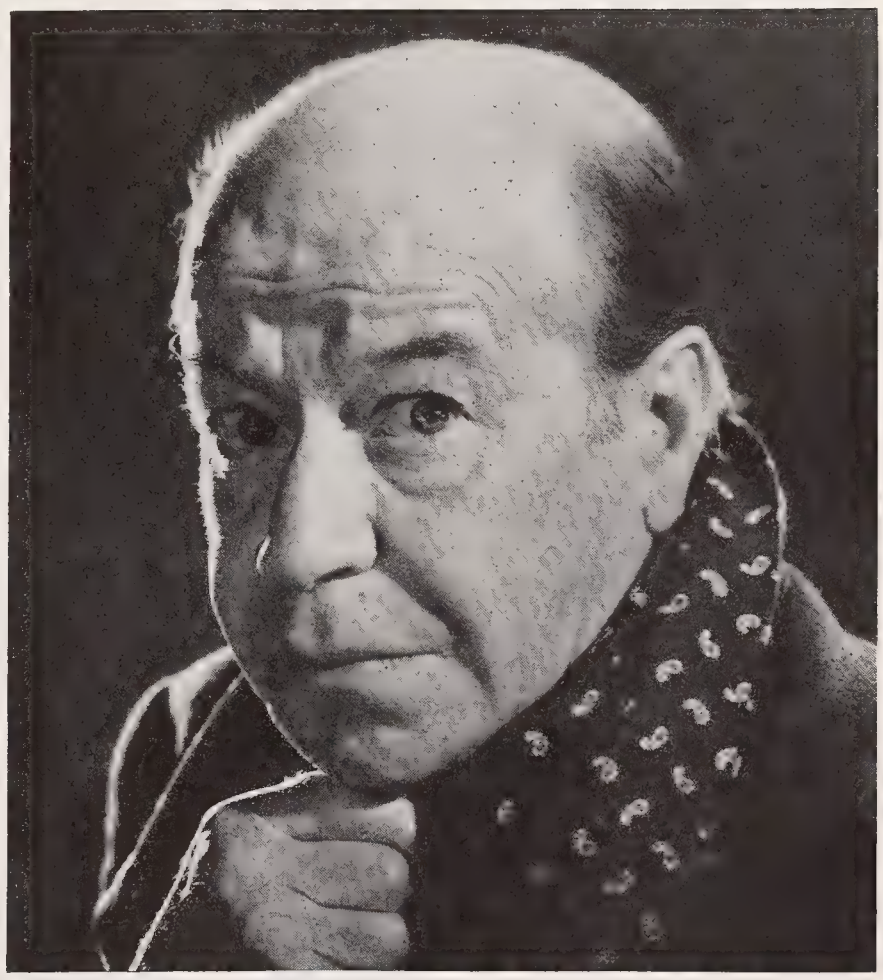
Warner Bros. and subsidiaries report net profit of $103,804 for the 13 weeks ending Nov. 26, 1938, after all charges, as compared with a net operating profit of $1,685,599 for the corresponding period of the previous year. Net operating profit for the quarter before amortization, depreciation and Federal taxes was $1,845,252.

Gross income for the period after elimination of inter-company transactions was $25,418,166, compared with gross income for the comparable quarter of 1937, adjusted to include two companies not then consolidated, of $27,395,762. Earnings for the 1938 quarter are equivalent to $1 per share on the 103,107 shares of preferred outstanding. Dividends in arrears as at Dec. 1, 1938, amounted to $25.9875 per share on the preferred.

Cash on hand at Nov. 26 amounted to $5,681,072.

Canada Cuts Duty on Newsreels for King

TORONTO, Jan. 29.—The Dominion Government will waive the imposition of duty on sound trucks and sound recording equipment of selected newsreel companies from the United States preceding and at the time of the Canadian tour by the King and Queen of the British Empire. This concession will bring a saving of about $12,000 in customs payments on the motor vehicle and equipment of a news unit.



Radio Walkout Is Averted by Agency Action

Eleventh hour action by the American Association of Advertising Agencies in appointing a new committee to confer with the American Federation of Radio Artists appears to have ended the immediate danger of a strike in radio. The new committee is empowered to act for 80 per cent of the commercially sponsored network programs, and beginning today, will confer with AFRA without recessing until a conclusion has been reached.

The signal to strike was to have been given early yesterday morning. The 4-A committee was appointed late Friday and immediately approached AFRA with the offer to arbitrate. Formation of the 4-A committee was preceded by a plea from officials of CBS and NBC that nothing be left undone to effect a settlement. The new committee is the first empowered to negotiate with AFRA. A previous committee was merely a fact-finding group and had no power to reach an agreement.

Personnel of the committee includes Chester LaRoche, vice-president of Young & Rubicam, chairman; J. G. Sample, president of Blackett-Sample-Hummert; John U. Reber, vice-president, J. Walter Thompson Co.; Chester B. Bowles, chairman of Benton & Bowles; W. B. Ruthrauff, vice-president Ruthrauff & Ryan; Leonard T. Bush, vice-president, Compton Co., and Don Francisco, president of Lord & Thomas.

Sign New NBC Series

Wander Co. has signed for seven NBC stations to air "Carters of Elm Street," a new dramatic script series, Monday through Friday from 12 to 12:15 noon. The seven stations included in the contract, effective Feb. 13, are WEAF, KYW, WRC, WMAQ, KOA, KPO and KFI. The Wander Co. also sponsors "Little Orphan Annie." Blackett-Sample-Hummert is the agency.

Boys Name Smith, Cantor

Boys Athletic League of New York City, polling its 50,000 members for radio preferences, finds Kate Smith and Eddie Cantor elected the air's most popular performers, and the Lux "Radio Theatre" and "Gangbusters" the favorite programs. The stars and shows all appear over CBS.

Toronto Board Lists Broadcasting Dont's

Toronto, Jan. 29.—The Toronto Board of Education has issued a protest against broadcasts which allegedly are offensive to listeners-in Offending programs are listed by the board as those which upset children, offer premiums, feature crime, are unpatriotic or Communistic or Nazi in leanings and use ungrammatical language.

Talks Too Much

Because his address today before the Reichstag will take up at least two and one-half hours, WABC and WOR, New York key stations of CBS and Mutual, respectively, have cancelled plans to broadcast Hitler's speech. NBC's New York stations will carry only a portion of his address. The webs, however, will feed the address to out-of-town stations which may desire the feature.

No. Dakota Case in US Court March 27

Paramount's appeal to the U. S. Supreme Court on the constitutionality of the North Dakota affiliated theatre divorce law has been docketed for hearing during the week of March 27. A decision would be probable within four to six weeks thereafter depending upon the length of the high court's recesses during the month of April.

Paramount's attorneys, Simpson Thacher & Bartlett, are now preparing final arguments on the appeal, which is regarded as one of the most significant legal cases affecting the industry in many years.

RKO Note Extension Authorized by Bondy

Federal Judge William Bondy on Saturday signed an order authorizing the Irving Trust, as trustee of RKO, to execute a proposed agreement with the Bank of America, Chemical Bank & Trust Co. and RCA, extending the secured notes of RKO and provisions of a contract made on August 30, 1934, relating to the note, until June 1, 1939.

Hyndman Will Head SMPE Unit in East

D. E. Hyndman was elected chairman of the Atlantic Coast section of the Society of Motion Picture Engineers at a meeting at the Hotel Pennsylvania. Other officers named were George Friedl, Jr., past chairman; P. J. Larson, secretary-treasurer; H. Griffin, governor for two years, and R. O. Strock, governor for one year.

Korda Leaves; Will Return Here in June

Alexander Korda sailed Saturday on the *Champlain*. Korda will return here in June to start on his American production program for United Artists. Four others will be made at Denham, also for United Artists.

Bischoff Rites Today

Body of Morris Bischoff, who died in Santa Monica, arrived in New York on Saturday, for burial today in Hartford, Conn. He was the father of Sam Bischoff, Warner producer. Latter, just returned from six weeks in Europe, plans to leave for Hollywood tomorrow or Wednesday, accompanied by Mrs. Bischoff.

Columbia Gets Asher For Additional Year

Irving Asher's deal to produce Columbia's quota films in England has been extended for only one year. Harry Cohn had sought a three-year deal. Asher will make four multiple quota films this year at Denham, where he is associate producer for London Films.

After conferences with Alexander Korda, it was decided inadvisable for Asher to tie himself up for three years. Details of the pact remain to be decided, and production plans are yet to be set. Asher sailed for London Saturday.

Joseph Friedman, Columbia's managing director in the United Kingdom, with Mrs. Friedman, also sailed.

Zanuck Sets Future Film for Gracie Fields

Monty Banks, 20th Century-Fox associate producer, and Gracie Fields sailed Saturday for London. Plans have been approved by Darryl F. Zanuck for Miss Fields' next film, "Sally Goes to Town," a story of shipbuilding in Scotland in which Miss Fields will play the part of a pub owner. One other Fields picture will be made by Banks later in the year. These two will be made at Gainsborough (Gaumont British) studios, in addition to the eight or 10 quota pictures Gainsborough will make for 20th Century-Fox.

Banks expects to return in June for conferences on Miss Fields' second film.

Johnston Is Honored At Hollywood Dinner

HOLLYWOOD, Jan. 29. — Employes and executives of Monogram's west coast studio celebrated Ray Johnston's 25th anniversary in the business with a dinner and dance yesterday at the Lakeside Golf Club at which Johnston was guest of honor.

Guests included: Jackie Cooper, Boris Karloff, Dorothy Reid, Ed Finney, Mr. and Mrs. Scott R. Dunlap, J. P. Friedhoff, Anne Nagel, Jack Randolph, John Trent, William Nigh, E. R. Hickson, Mr. and Mrs. Bigelow Cooper and many others.

Fisher Becomes Head Of CBS Camera Unit

Michael Fisher of the *Chicago Times* today will take up new duties as head of the photographic division of CBS. Fisher succeeds Joseph McElliott, who resigned Friday.

Fisher, until the past week-end, was assistant city editor and photo division head on the *Times*.

Menjou with Jolson

Veree Teasdale and Adolphe Menjou have been booked for an appearance on the Al Jolson show over CBS on Feb. 7. Joan Blondell goes before the microphone of the Texaco Star Feb. 8, also over CBS.

Mrs. Cora Mason Dies

Mrs. Cora L. Mason, 68, mother of Frank E. Mason, NBC vice-president, died Friday at the New York Infirmary for Women and Children. Funeral services and burial will be in Canal Winchester, Ohio.

'38 Theatre Building Jobs Decline to 751

(*Continued from page* 1)

Reports Division of the F. W. Dodge Corp.

The year opened with theatre building contracts worth $1,187,000. In February there was an upsw[illegible] to $2,369,000, followed by a drop in March which was maintained without change in April. A further decrease in May was followed by an increase in June to $2,881,000. At the close of the half-year, 1938 and 1937 contract totals stood at $12,086,000 and $14,509,000, respectively.

The second half started with a sharp drop which was maintained in August and deepened in September to $1,266,000. October did not improve the situation, nor did November. December dropped almost to the September level.

In the Southeastern states including Florida, Georgia, Alabama, eastern Tennessee and North and South Carolina, there was an increase in the valuation of theatre building contracts from $2,142,000 in 1937 to $2,749,000 last year. The number of projects advanced from 91 to 92 last year, and the floor area increased from 357,000 sq. ft. to 378,000 sq. ft.

"Texas showed an increase in theatre building along with its brilliant all around showing in the building field during 1938," says Dodge Reports. "Contracts moved to $830,000 from the preceding year's $680,000. Floor areas totaled 151,000 sq. ft., compared with 141,000 sq. ft. for 1937. Projects moved upward from 38 to 40."

There was less activity elsewhere in the areas surveyed. Metropolitan New York and Northern New Jersey showed $2,520,000 in contracts for 1938, against $2,754,000 for 1937. The number of projects was 45, against 61. The floor area dropped to 269,000 sq. ft. from 289,000 sq. ft.

MP Review Board to Hear Griffis, Dumont

Two broadcast addresses over WNYC on television will feature the fifteenth annual conference of the National Board of Review of Motion Pictures which will open Thursday. Stanton Griffis, Paramount executive board chairman, will talk on "Television—the Unknown Quantity" and Allen B. Dumont will outline the technical aspects of television.

Maurice Evans in 'Henry IV' Tonight

Maurice Evans brings another Shakespearean revival to Broadway tonight with the opening of "Henry IV, Part 1" at the St. James. Evans will play Sir John Falstaff, and promises to portray the character as a "gentleman, not a drunk." Mady Christians, Wesley Addy, Henry Edwards, Charles Dalton, Edmund O'Brien, Donald Cameron and others are in the cast.

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VOL. 45. NO. 21 NEW YORK, TUESDAY, JANUARY 31, 1939 TEN CENTS

British Bill to Seek Revision Of Films Act

Aim to End Confusion on Multiple Quotas

LONDON, Jan. 30.—The Government is planning the introduction in Parliament some time this year of a brief bill amending certain sections of the Films Act, it is learned from authoritative sources.

Revision of the quota law is believed to have been inspired mainly by the existing confusion over the multiple quota clauses and undoubtedly will have as its principal aim the clarification of certain paragraphs of these sections. Parliamentary procedure will require presentation of even explanatory additions to the Act in the form of an amending measure.

It is believed that the Board of Trade already is working on details of the amendment, although the pressure of Parliamentary business makes introduction of the measure until after April improbable.

Bren Quits Roach; May Get RKO Post

HOLLYWOOD, Jan. 30.—Milton Bren, production head of Hal Roach Studios, will resign that post in two weeks to accept a production berth at one of two major studios seeking his services. It is believed likely he will join RKO.

Bren's parting with Roach is an amicable one, the latter consenting to release him from his contract.

R. I. Bill Permits Plays on Sundays

Providence, Jan. 30.—An amendment to the state law governing Sunday shows in Rhode Island, providing for the presentation of legitimate theatre attractions, has been introduced in the State Senate.

Senator Henry R. DiMascolo (Rep.) who introduced the measure, said he did so at the request of "Providence theatre men." The present law on Sunday shows permits films, vaudeville, automobile shows and athletic events on Sunday at the discretion of the local licensing authorities.

Wanger Americanism Essay Wins Mention in Air Contest

Walter F. Wanger participated in a contest on the question of "What Is America's Greatest Need Today?" broadcast as part of "America's Town Meeting of the Air," and received first honorable mention for an essay which he submitted. Housewives won the first two prizes. The results of the competition were broadcast last Friday evening. Time limitation prevented Wanger's essay from being broadcast.

Wanger came near losing out altogether, as Town Hall officials, apprehensive of being involved in a publicity stunt, steered clear of the Wanger essay and very nearly discarded it, despite opinion among them that it was one of the best entered. There had been no restricting conditions attached to the essay rules.

But the Town Hall officials nevertheless were not taking any chances. And, so they examined the content of what he wrote, again and carefully, but they found nothing, not even a line, about Hollywood. This only increased their surprise. They went into production reports and discovered that Wanger's latest picture was "Stagecoach," directed by John Ford, and then re-examined Wanger's essay for fear there might be some reference to the picture in it, which they might have overlooked. However, there was nothing in the essay even remotely connected with the film.

Also they noticed that his entry was on plain, white stationery, unadorned by any printed reference to his business or occupation, and that the signature was just plain "Walter F.

(Continued on page 7)

Universal Sets Out To Better Relations With Latin America

Several innovations are being attempted by Universal in a bid by that company for improved Latin American trade relations, Joseph H. Seidelman, vice-president and foreign manager, reported yesterday on his return to New York from production conferences at the studio.

Seidelman sails on the *Gripsholm* today for a two-month tour of South America during which he will hold special screenings for leading exhibitors and local newspaper representatives in 10 cities. Included in the screenings will be a specially produced three-reel picture with Spanish commentary consisting of scenes from the leading Universal product to be released throughout the Latin American territory during 1939. Scenes include skits by Deanna Durbin, Bing Crosby, Charlie McCarthy, W. C. Fields and others, all employ-

(Continued on page 7)

Suspend Ritzes for Refusal to Work

HOLLYWOOD, Jan. 30. — Twentieth Century-Fox today suspended the Ritz Brothers for alleged refusal to report for work in a new vehicle, "The Gorilla," which was to have started today. The studio announced it would hold the Ritzes responsible for damages caused by refusal to work.

Anti-Ascap Bill in Conn. Senate Limits Blanket Licensing

HARTFORD, Jan. 30.—An anti-Ascap bill has been introduced in the State Senate here by Senator Roy Enquist at the request of Irving C. Jacocks, Jr., president of Connecticut M. P. T. O.

The bill would prohibit copyright owners from associating or combining for the purpose of issuing blanket licenses for public performance of their works for profit "unless such association or its members shall make available to each user of such song within the State the right to perform each such song at a price established for each separate performance of each such song."

To this end, a list would be required for filing showing schedule of prices for performing rights to each separate performance for profit of each such song contained in such list, together with an affidavit of copyright owner of such songs that price so stated has been determined by such owner acting for himself and not in concert or by agreement with owners of other copyrights.

A tax of three per cent of gross receipts is also imposed by the act for censes for public performance of their the privilege of selling or licensing performing rights. In other major respects the bill is similar to anti-Ascap measures introduced or enacted in other states.

Other industry measures before the Legislature here involve restriction of Bingo games and compulsory employment of two men in the booth.

Supreme Court Accepts Para. N. Dakota Case

Judge Thacher to Argue Case for Companies

WASHINGTON, Jan. 30.—The U. S. Supreme Court ruled today that it had "probable jurisdiction" in Paramount's appeal from a Federal statutory court decision affirming North Dakota's affiliated theatre divorce law.

The ruling is a routine, technical step, but brings the test of the significant state legislation a step nearer. The Paramount appeal already has been docketed for argument before the

(Continued on page 7)

All Theatres Suffer In Chicago Blizzard

CHICAGO, Jan. 30.—Severest snow storm in years tied up traffic and prevented thousands from reaching the Loop, downtown business section here. Many houses here cancelled matinees and evening business found most houses almost empty.

Opening of "Jesse James" at the Chicago, however, had more than 2,000 patrons on hand for the first show. Film delivery services sent shipments by train, but roads were being cleared rapidly.

U.S.-Reich Interests Compete in Ecuador

Guayaquil, Ecuador, Jan. 30.—With RCA and A. T. & T. currently negotiating with the Government for the installation of radio stations and a radiophone service, the German Government's Transocean service is offering to build a powerful station here. The Germans are offering newspapers a part of the news service free, with an extremely low rate for the rest. Local newspapers are being contacted to gain the favor of the press for the proposed new German contract.

Transocean is the German Government's official propaganda service and is already supplying news material to some other Latin American countries. Further proposed stations in Latin America would supplement the propaganda broadcasts from Berlin.

'Snow White' Loans Establish Record In Film Financing

"You must have made a lot of money on 'Snow White,'" one of Roy Disney's interviewers remarked the other day.

"Yea," Disney responded, "we've bought back our business from the bank."

The statement probably supplies a fairly accurate idea of the collateral involved in the financing of "Snow White," one of the largest and the most extended single picture credits to be arranged in film financing. Production costs amounted to $1,600,000 and print costs (there were 789 color prints in existence at the last census) accounted for another $700,000. The financing arrangements extended over a period of four and one-half years, during which "Snow White" was in work, a credit term never before equalled on a single picture.

The loan has been completely liquidated long since.

The Disney staff was more than doubled during the period in which the picture was in work. The studio employed about 300 in 1934 and about 900 in 1938. All were specialists in some definite phase of animated cartoon production and, in order to keep them busy after "Snow White" had been completed, several shorts were kept in work simultaneously. Eventually, the Disney studio found itself ahead of schedule for the first time in its existence. It turned again to features, three of which are in work now and a fourth, which will make use of Leopold Stokowski and a symphony orchestra, will start during April. Of those in work, "Pinocchio" will be the first to be completed, some time next winter. Following it will be "Bambi" and "Alice in Wonderland."

Separate distribution deals will be made for the features now in work. Offers have been received from several distributors already, Disney said, but arrangements are nowhere near a final stage. Disney's short subject distribution deal with RKO expires next year. No renewal discussions have been held yet.

Disney will be in New York another 10 days.

Joe Rapf Rites Today

HOLLYWOOD, Jan. 30.—Funeral services for Joe Rapf, formerly M-G-M supervisor of wardrobes, and brother of Harry Rapf, M-G-M producer, and Arthur M. Rapf, of Rapf & Rudin, N. Y. exhibitors, will be held here tomorrow. Rapf died yesterday of heart disease.

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MAURICE SILVERSTONE, United Artists chief executive, is due back from Hollywood by the end of the week. He leaves the coast by train either today or tomorrow.

•

NATE J. BLUMBERG, Universal president, is expected from the coast at the end of the week. J. CHEEVER COWDIN, board chairman, may precede him east by plane within a couple of days.

•

GEORGE W. WEEKS, general sales manager of Mongram, is due in New York from the coast Friday, with stopovers en route in Kansas City and Detroit.

•

JOHNNY MURPHY of Loew's theatre department returned yesterday from an Arizona and California vacation.

•

ROBERT GILLHAM, Paramount advertising and publicity director, leaves for Hollywood at the end of the week for an extended stay at the studio.

•

HERBERT BIBERMAN, director, will address a peace meeting in Trenton tomorrow on "Hollywood Goes for Peace."

•

JOE VOGEL, LEOPOLD FRIEDMAN, OSCAR DOOB and MORT SPRING of Loew's were on the sick list yesterday.

•

KENNETH THOMSON, executive secretary of the Screen Actors' Guild, is in town for board meetings of the Associated Actors & Artistes of America.

•

J. O. GUTHRIE, owner of the Karolyn, New London, O., leaves shortly for Hollywood to study television developments.

•

MONROE GREENTHAL of United Artists leaves for Miami today to prepare for the opening there Feb. 10 of "Trade Winds." Harry Gold, eastern division sales manager, leaves later in the week to be on hand for the opening.

•

ESTHER L. GOLDEN of Loew's accounting department and MILTON ARNSWALDER of EUGENE PICKER's office at Loew's will be married in May.

C. C. PETTIJOHN of the M. P. P. D. A. was among the industry figures at the President's Birthday Ball activities in Washington last night.

•

WILLIAM A. SCULLY, Universal general sales manager, and MRS. SCULLY sail this week for Honolulu with the SAM RINZLERS and JOSEPH M. SEIDERS, who arrived in Hollywood yesterday from New York. They will return about the middle of March.

•

ED M. SAUNDERS, M-G-M western division manager, is spending two weeks in Florida.

•

CRESSON E. SMITH, southern and western sales manager for RKO, returned yesterday from a tour of the 20 branches in his division, in the midwest, west and south, in connection with the George J. Schaefer Drive.

•

LEON FROMKESS, treasurer of Monogram, arrived in town from the coast yesterday with MRS. FROMKESS.

•

BOBBIE ROBINSON of TWA is flying east with the "Tail Spin" tour sponsored by 20th Century-Fox.

•

AL PEARCE, just returned from Hollywood, tendered a press cocktail party yesterday afternoon in the Times Square studios atop the New Amsterdam Theatre.

•

FRED GROPPER of the Compton agency back at his desk after a siege of grippe.

•

L. W. CONROW, president of Altec Service Corp., has returned to New York from a trip to Atlanta. G. L. CARRINGTON, Altec vice-president and general manager, is back in the office after a two-week siege of flu.

•

HARRY M. WARREN of Central States Theatre Corp., Des Moines, is in Tucson for three weeks with MRS. WARREN and their two sons.

•

ROGER W. CLIPP, manager WFIL, Philadelphia, back to the Quaker City after a brief visit here on business.

Pictures Named for Art Direction Award

HOLLYWOOD, Jan. 30.—The following productions have been nominated for the Academy Award for Achievement in Art Direction: "Adventures of Robin Hood," "Adventures of Tom Sawyer," "Alexander's Ragtime Band," "Algiers," "Carefree," "Goldwyn Follies," "Holiday," "If I Were King," "Mad About Music," "Marie Antoinette" and "Merrily We Live." The first of a series of showings of the picture before the direction awards committee has been held. On the committee are William A. Horning, chairman; Roland Anderson, Lionel Banks, Perry Ferguson, Stephen Gooson, Charles D. Hall, Bernard Herzbrun, Jack Otterson, Hans Peters, Bertram Teitelbaum and Lyle R. Wheeler.

Penn Newsreel Closes

Penn Newsreel theatre, opposite Penn Station, which opened last fall with a news and short subject policy, and changed several weeks ago to a revival policy, has been closed.

Warner Club to Hold Annual Ball March 11

The Warner Club will hold its 10th annual banquet and ball at the Waldorf-Astoria on March 11. On the committee for the event are John Holmes, president; A. W. Schwalberg, Max Blackman, Harry Mayer, T. J. Martin, Harold Rodner, R. W. Budd, S. S. Schneider, Jules Levey, F. L. Gates, Stuart Aarons, Paul Lazarus, Jr., Irving Birnbaum and Ann Martin.

Plan Seattle Opening

SEATTLE, Jan. 30.—United Artists' "Made for Each Other" will have its world premiere here at Jensen-Von-Herberg's Liberty on Friday. A party of U. A. executives is expected to be here for the opening.

Change Raft Film Title

HOLLYWOOD, Jan. 30.—"The Gambler and the Lady" is the final title for Paramount's picture with George Raft formerly titled "The Lady's from Kentucky."

Funeral Rites Are Held for Shiffman

Funeral services for Harry Shiffman, 47, until recently head of Par-Land Theatres, were held yesterday afternoon at Riverside Memorial Chapel. Dr. Nathan Stern, rabbi of West End Synagogue, officiated. Burial was in Ferncliff Crematory.

Shiffman died in his sleep early Saturday morning of a heart attack at his home, 25 Central Park West. Besides his wife, Lucille Olive, surviving are three sisters, Mrs. Sylvia Hazen, Mrs. Mildred Trilling and Mrs. Ruth Felder, and one brother, Irving, with Universal in Boston. George Trilling, with the Si Fabian circuit, and Lee Hazen, an attorney, are brothers-in-law.

He was general manager of Par-Land (Sol Brill) circuit for 25 years. A few weeks ago the Fabian circuit acquired eight of the remaining Brill theatres, on Staten Island, and it is understood Shiffman had arranged to join the foreign department of a major distributor.

Shiffman started with his uncle, the late Sol Brill, at 14, as an assistant projectionist in a penny arcade at 700 Broadway. In 1911 he became film buyer for the Brill theatres, and later became general manager. When Brill died in 1931 Shiffman became president of the circuit, which included houses on Staten Island and in Brooklyn, Manhattan, Port Jervis and Lakewood, N. J.

Zanuck, Johnson to Answer Suit Queries

Darryl Zanuck and Nunally Johnson were ordered yesterday to answer written interrogatories in Los Angeles in connection with an infringement suit brought by Morgan Wallace and Lawrence Shubert Lawrence against 20th Century-Fox. Federal Judge Murray Hulbert granted the motion at the request of the defendant. Suit seeks an injunction, damages and an accounting of the profits for alleged infringement of the play, "Congratulations" in the film, "Thanks a Million."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager: William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"HONOLULU!"



SHAKE your records loose with "HONOLULU" M-G-M's uproarious and spectacular entertainment starring ELEANOR POWELL, ROBERT YOUNG, GEORGE BURNS and GRACIE ALLEN. Original story and screen play by Herbert Fields and Frank Partos. Music and lyrics by Harry Warren and Gus Kahn. Directed by Edward Buzzell. Produced by Jack Cummings.

'Cowboy' in 2 Hub Theatres Hits $39,500

BOSTON, Jan. 30.—"The Cowboy and the Lady" dualed with "Smashing the Spy Ring" at Loew's Orpheum hit the high, taking $21,500. The same film at Loew's State drew $18,000.

Next came "The Dawn Patrol" and "Nancy Drew, Detective," at the Metropolitan with $13,000 on a holdover. RKO Boston showing four pictures in a split week with vaudeville on Friday, Saturday and Sunday, finished with about $11,000.

Estimated takings for the week ending Jan. 25-26:

"The Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,000. (Average, $12,500)
"The Cowboy and the Lady" (U. A.)
"Smashing the Spy Ring" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $21,500. (Average, $13,000)
"The Cowboy and the Lady" (U. A.)
"Smashing the Spy Ring" (Col.)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $11,000)
"Devil's Island" (W. B.)
"Off the Record" (W. B.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $8,000. (Average, $8,500)
"Devil's Island" (W. B.)
"Off the Record" (W. B.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $6,000. (Average, $4,500)
"Son of Frankenstein" (Univ.)
"His Exciting Night" (Univ.)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 6 days, 2nd week. Gross: $12,500. (Average, $13,000)
"Exposed" (Univ.) (3 days with vaude.)
"The Last Express" (Univ.) (3 days with vaude.)
"Secrets of a Nurse" (Univ.) (4 days)
"Next Time I Marry" (RKO) (4 days)
RKO KEITH BOSTON—(....) (20c-30c-40c) Gross: $11,000. (Average, $10,000)

'James' $23,000 Top in Cincinnati

CINCINNATI, Jan. 30. — "Jesse James" galloped off with a smash $23,000 at the RKO Albee, the town's biggest take in months.

"Paris Honeymoon" took $10,300 at the RKO Palace, and "Say It in French," aided by Blackstone the magician, and "Red" Barber, WLW sportscaster, on the stage, pulled $12,000 at the RKO Shubert. "Kentucky" grossed a nice $5,000 at the RKO Capitol in its fourth week.

Estimated takings for the week ending Jan. 26:

"Jesse James" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $23,000. (Average, $12,000)
"Paris Honeymoon" (Para.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,300. (Average, $10,000)
"Say It in French" (Para.)
RKO SHUBERT—(2,100) (35c-40c-60c) 7 days. Stage: Blackstone, magician. "Red" Barber, sportscaster. Gross: $12,000. (Average, $12,000)
"Kentucky" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 4th week. Gross: $5,000. (Average, $6,500)
"Devil's Island" (W. B.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $5,200. (Average, $6,500)
"Zaza" (Para.)
RKO GRAND—(1,200) (25c-40c) 7 days, 2nd week. Gross: $2,100. (Average, $2,750)
"Touchdown Army" (Para.) (2 days)
"Last Warning" (Univ.) (2 days)
"Secrets of a Nurse" (Univ.) (3 days)
RKO FAMILY—(1,000) (15c-25c) Gross: $2,100. (Average, $2,450)
"Stand Up and Fight" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: $3,800. (Average, $6,500)

Hollywood Previews

"Fisherman's Wharf"

(RKO)

HOLLYWOOD, Jan. 30.—A charming picture of a father and son's mutual devotion, set against the background of the San Francisco waterfront, is "Fisherman's Wharf," sixth of the Bobby Breen vehicles to be produced by Sol Lesser's Principal Productions for RKO release. It is a story of the Fisherman's Wharf, that little exploited area at the foot of Taylor Street, whence each day hundreds of little fishing boats, manned mostly by Italians, put out to sea.

Two of Hollywood's most astute scene stealers, Leo Carillo and Henry Armetta, are featured in the picture and live up to expectations as two of the Italian fishermen. Others in the cast are Lee Patrick, Rosina Galli, who does an outstanding portrayal; Tommy Bupp, Leon Belasco, George Humbert and Slicker the Seal.

The screenplay was written by Bernard Schubert, Ian Hunter and H. Clyde Lewis. Bernard Vorhaus directed. Vocal arrangements were by Max Terr. Bobby Breen's songs were limited to three: "Sell Your Cares for a Song," by Victor Young and Charles Newman; "Songs of Italy," by Frank Churchill and Paul Webster, and "Fisherman's Chanty," by Farlan Myers and William Howe. Outstanding is "Songs of Italy," an engaging arrangements of Italian songs familiar to American ears.

The story isn't a vital film document, but is refreshingly told. Bobby Breen plays the role of the foster son of Carillo who discovers, through cruel relatives, that he is an adopted orphan. He runs away, but his father finds him and explains the full meaning of his adoption and the boy returns.

Running time, 70 minutes. "G."* VANCE KING

"Boy Trouble"

(Paramount)

HOLLYWOOD, Jan. 30.—"Boy Trouble," a story of a man and his family and two boys by adoption, has been designed for theatres which specialize in family trade. An expert blending of whimsical humor and pathos, it is rich in entertainment quality and exploitation values.

The original story by Lloyd Corrigan and Monte Brice and the screenplay by Laura and S. J. Perelman have been soundly constructed to emphasize human interest. George Archainbaud directed his personnel with intelligence. He never permits the production to become "hokey."

Charlie Ruggles, who hates boys, has long stifled his yearning for the companionship and affection of a son. When circumstances contrive to sink his spirits to a low ebb, his wife, Mary Boland, adopts Billy Lee on approval and Ruggles finds it necessary to take waif Donald O'Connor into his home. The kids make his home a bedlam and he would get rid of the brats in any way possible. But even though the lads almost wreck family pride, Donald is prevented from running away and, when Billy is in danger of death, all the pent up father-son love in Ruggles' heart makes him fight to retain guardianship of the children.

Ruggles turns in a fine performance, as do all the others. Ruggles' recital of the 23rd Psalm brought forth a burst of appreciative applause.

Running time, 70 minutes. "G."* G. McC.

"Women in the Wind"

(Warner)

HOLLYWOOD, Jan. 30.—This is the picture about the women's air derby, world flyers and such, that the Hollywood columnists were talking about a while back. It has Kay Francis at the top of the cast listing, playing the top aviatrix, and such people as William Gargan, Victor Jory, Maxie Rosenbloom and Eddie Foy, Jr., in support. The coast-to-Cleveland race by women flyers is offered as the big episode, although young Foy's burlesque of Douglas Corrigan got more tangible reaction at the preview.

The story is about a sister of an invalided flyer who cajoles an amorous air hero out of his plane so she can win the derby with it and buy expensive medical care for her brother with the prize money. An avaricious blonde slows things up a while and the heroine finally flies another plane, but wins both race and hero easily. The manner of acting, directing and the like never leaves the audience in serious doubt about the outcome.

The film is a Bryan Foy number with Mark Hellinger acting as associate producer using a screenplay by Lee Katz and Albert DeMond, based on a novel by Francis Walton. John Farrow directed.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Going Places' Is $6,300 in Seattle As Grosses Slump

SEATTLE, Jan. 30.—"Going Places" and "King of Alcatraz," at the Orpheum, took $6,300 to lead comparatively among film bills, in a week of poor grosses generally.

"Storm Over Bengal," with a stop show at the Palomar, drew down $5,400, and "Trade Winds" and "Say It in French," took $7,200 at the Fifth Avenue. The weather was rainy.

Estimated takings for the week ending Jan. 27:

"Stand Up and Fight" (M-G-M)
"Nancy Drew, Detective" (W. B.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,300. (Average, $4,000)
"Trade Winds" (U. A.)
"Say It in French" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,200. (Average, $7,000)
"Duke of West Point" (U. A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 2nd week. Gross: $3,100. (Average, $5,000)
"Sweethearts" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 4th week. Gross: $3,450. (Average, $4,000)
"Going Places" (F. N.)
"King of Alcatraz" (Para.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $6,300. (Average, $6,000)
"Storm Over Bengal" (Repub.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by El Brendel & Flo Bert. Gross: $5,400. (Average, $5,000)
"Zaza" (Para.)
"Road to Reno" (Univ.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $5,750. (Average, $6,000)

'Trade Winds' Draws $11,000, Providence

PROVIDENCE, Jan. 30.—Box-offices were not overworked here. "Trade Winds" and "Burn 'Em Up O'Connor," bracketed at Loew's State, was the strongest bill in town with $11,000. "Fugitives for a Night," with a stage show, brought $7,000 to the Albee.

Estimated takings for the week ending Jan. 25-26:

"Trade Winds" (U. A.)
"Burn 'Em Up O'Connor" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $11,000. (Average, $10,000)
"Heart of the North" (W. B.)
"Smiling Along" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $6,500)
"Say It in French" (Para.)
"Disbarred" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $4,000. (Average, $7,000)
"King of the Underworld" (W. B.)
FAY'S—(1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $7,000. (Average, $7,000)
"Fugitives for a Night" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) Ozzie Nelson-Harriett Hilliard on stage. 6 days. Gross: $7,000. (Average, $6,000)
"Kentucky" (20th-Fox)
CARLTON—(1,526) (25c-35c-50c) 7 days. Gross: $2,500. Average, $3,500)
"Under the Big Top" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Vaudeville. Gross: $4,465. (Average, $3,000)

Dance Sessions Feb. 4-5

Reports on the past season and plans for the coming year will be presented at the annual conference of the American Dance Association, which will be held at Mecca Temple Feb. 4 and 5.

William Bishop to Wed

CHICAGO, Jan. 30.—William Bishop, M-G-M exploiteer, who has been ill for the past few weeks, leaves the hospital next week to marry Evelyn Ford, of Detroit, Feb. 4.

LET US LIVE...





LET US LIVE

MAUREEN O'SULLIVAN ★ HENRY FONDA
RALPH BELLAMY

Screen play by ANTHONY VEILLER and ALLEN RIVKIN
Based upon a story by Joseph F. Dinneen
Directed by JOHN BRAHM • Produced by William Perlberg

A COLUMBIA PICTURE

Vital!

Audiences demand that certain electric something that makes the skin tingle . . . that stirs . . . that rouses!

Here it is! Hammered out of life itself. . . uncompromising ...unrelenting...unforgettable!

A gallant, human story of a humble boy and girl . . . battling a world that said a boy must die!

Wanger's Essay on Americanism Wins

(Continued from page 1)

Wanger." There was no further identification.

Clean Bill of Health

Well, he got a clean bill of health—and his essay follows:

"It's a long time since Washington's frozen and starving and dauntless troops at Valley Forge were the measure of the American people's practical devotion to democracy. What America needs today is a rebirth of that spirit, not in its warlike phase but in its quality of a whole people in motion, roused to conscious self-sacrifice . . . working together, not merely talking, to serve the common good.

"We need a new understanding of the priviliges, rights, and, above all, the duties of American citizenship. We need the kind of social and political understanding on the part of each of us so that every citizen is ready and willing to make the sacrifices required today for the preservation of that liberty which has been won at such great cost and which is the envy of the world. We need a newer Americanism imbued with a truer patriotism—a patriotism that includes respect for the constitution, the government, the American people, and the flag. Mere lip service to democracy is not enough; that what is needed is devoted and self-sacrificing action."

Solution Must Be Found

Praise of our system is not enough, it must be made to work, Wanger wrote. A solution must be found for the people's pressing problems; the farmer's, the housing problem, labor's problem. Principally, he states, it means looking at liberty not as a pleasant abstraction, not as the freedom to do nothing, but as the living instrument for achieving a richer life.

"The day is past when democracy can be taken for granted. At home and abroad its cunning and relentless enemies are on the offensive. Its great worth must be fully understood by every citizen, and every citizen must thereby be prepared to pay for the privileges it confers by self-sacrificingly working to defend it. This means more than merely sending a check to a worthy cause; it means more than conscientiously casting a ballot once a year. It means we must have a militant citizenry, roused in defense of our great democratic heritage, and working day by day, individually and cooperatively, to understand the problems facing our country and to solve them.

"The day of the free ride to freedom is over. Our greatest need today is to put American citizenship, through education and action, on a 'pay as you enter' basis."

M-G-M Promotes Five

Five members of M-G-M's Philadelphia exchange staff have been promoted. Harry Bache has been made booker, Paul Farrow succeeding him as poster clerk. Samuel Sculli succeeds Farrow as night shipper. William Fogarty has been made assistant day shipper and James Cassidy weekend relief shipper. Gerard Hirsch, student salesman, has been sent to New Orleans as salesman.

Supreme Court Takes Para. N. Dakota Case

(Continued from page 1)

high court during the week of March 27.

This is the most important case relating to theatre divorcement. Legislation in other states hinges upon what disposal the U. S. Supreme Court makes of this case.

The U. S. District Court of North Dakota held that there was no evil proved in the ownership of theatres by producing and distributing firms but that the state had the right to legislate on the subject. The firms involved contend that such legislation is unconstitutional because it confiscates private property.

Judge Thomas G. Thacher of the New York bar, member of the firm of Simpson, Thacher and Bartlett and former Solicitor General of the United States, will argue the case in the Supreme Court for all the companies.

Paramount's attack on the constitutionality of the North Dakota statute contends that it deprives the company of its property without due process of law, denies it equal protection under the law and is in violation of rights accorded the company under the Federal copyright laws. Paramount contends that the law cannot be defended by North Dakota either as an anti-monopoly statute or as a reasonable regulation of theatres in the interest of public safety, health or morals, but is intended to drive affiliated theatres out of business and leave the entire field to independent competitors.

Reilly Must Appear In Ticket Code Case

James F. Reilly, executive secretary of the League of N. Y. Theatres, was ordered yesterday to appear for examination before trial by N. Y. Supreme Court Justice John E. McGeehan in connection with suit brought to restrain enforcement of the ticket broker code. Paul Dullzell, executive secretary of Actors' Equity, will not be required to testify, but must submit an affidvit of Equity's connection with the code.

No date for the examination has been set. Acme Theatre Ticket Office is the plaintiff.

Reilly yesterday designated the 14 members of the board of governors to act as a committee to consider the advisability of setting up a central ticket office to be operated by the League. William A. Brady was named honorary chairman.

Judge Greatest Year Quiz Entries Feb. 11

Entries in the exhibitors' exploitation competition for the Motion Pictures' Greatest Year will be judged Feb. 11 at a luncheon for the judges' committee given by campaign headquarters at the Astor. The committee includes trade paper representatives.

About 70 campaign entries have been received, today being the deadline. They are from all types of theatres, and some are elaborate. Total of $2,025 in prizes will be awarded, in three classifications.

The Movie Quiz judges expect to complete their work in about 10 days. Prizes will be distributed to the 5,404 winners by the Chemical Bank & Trust Co.

Deny Independents Will Drop B&K Suit

CHICAGO, Jan. 30.—Jack Kirsch, leader of the Allied T.O.A., denied today that independent exhibitors contemplated withdrawing from the litigation against B. & K. and major companies. Kirsch asserted that funds for attorneys' fees had been raised and that the law suit will be carried through.

Morris Leonard, B. & K. counsel, was excused from appearing for depositions on Friday because he is leaving on a South American cruise.

Universal Expands In Latin America

(Continued from page 1)

ing Spanish dialogue. Screenings will also include advance material on Spanish language pictures being made for the company by Fernando de Fuentes in Mexico, and an adapted version of "The Mikado," first Gilbert & Sullivan operetta to be screened, which Universal is distributing.

The screenings will be held aboard ship at Havana, Cristobal, Callao, Valparaiso, Buenos Aires, Santos, Rio de Janeiro, Montevideo, Trinidad and Para.

In addition, Universal henceforth will make available virtually all of its studio facilities to its Spanish language film producers, Seidelman said. This will include access to story material, stock shots, music and other studio properties which might improve the quality or importance of the product in the Latin American market.

California Unit Gets First Prize in Drive Of National Theatres

LOS ANGELES, Jan. 30.—Arch Bowles, manager of the northern California division of National Theatres, today received first prize of $5,000 in the circuit's third national drive.

Rick Ricketson of Denver accepted the second prize of $3,000 for his Rocky Mountain division, and an award of $3,000 went to the Southern California division, headed by Charles Skouras, which placed third. Spyros Skouras, head of National Theatres, presented the checks.

An additional $5,000 will be distributed among the divisions, on the basis of circuit receipts during the drive going over par. The campaign ran 16 weeks and ended Dec. 25.

Distribution of prizes was a feature of the first session of a two-day meeting Skouras is holding here with division managers and New York executives.

Selznick Names Shapiro

HOLLYWOOD, Jan. 30.—Victor Mansfield Shapiro today was appointed advertising publicity director of Selznick International starting tomorrow. He replaces Russell Birdwell who resigned to head his own publicity firm.

Bands at Coast Fair

SAN FRANCISCO, Jan. 30.—Three "name" bands, directed by John Scott Trotter, Ray Noble and Gus Arnheim, will provide rhythms for the 1939 exposition opening Feb. 18.



THOMAS MITCHELL as "Doc" Boone . . hustled into the stage coach by an irate Temperance League. But he sobered up on nine cups of black coffee long enough to deliver a baby on the clay floor of a cabin. A performance to recall his great work in "The Hurricane".

Walter Wanger's "STAGECOACH" Directed by John Ford Released thru United Artists

Variety Club

Cincinnati

CINCINNATI, Jan. 30.—The first meeting of the new board of trustees, called by Chief Barker JOSEPH JOHN OULAHAN, moved to discontinue the semi-resident classification. These members will hereafter come under the non-resident division, and transfers will be made accordingly.

No change in initiation fee has been made, but every new applicant will hereafter be expected to contribute $15 to the charity fund. Membership dues will henceforth be $12 a year for non-resident members.

A vote of thanks was extended to H. J. WESSEL, JOE GOETZ, Operators' Union, film companies, theatre supply branches and others for their cooperation in connection with the shows for shut-ins.

PAUL KRIEGER was elected as the sixth director in a postcard ballot made necessary by the tie vote of WILLIAM BIEN, CHARLES MCDONALD and KRIEGER in the regular election.

Cleveland

CLEVELAND, Jan. 30.—NAT HOLT, RKO Great Lakes division manager, has been appointed general chairman for the annual Variety Club ball to be held at the Allerton Hotel on Feb. 4. The following committee heads have been named by HOLT: COL. HARRY E. LONG, Loew division manager, chairman of entertainment, with "DUKE" CLARK, Paramount branch manager, in charge of special events and decorations and MANNY LANDERS in charge of music; I. J. SCHMERTZ, 20th-Fox branch manager, chairman of ticket committee; FRANK D. DREW, M-G-M branch manager, program chairman.

Kansas City

KANSAS CITY, Jan. 30. — EARL JAMESON heads the new house committee of the local tent, with aides LES DURLAND, RUSSELL BORG, REUBEN FINKELSTEIN and JACK SHRINER. Chief Barker GEORGE BAKER, who succeeded R. R. BIECHELE, made the appointments.

FRANK HENSLER and CHARLES SHAFER are chairmen of the committee which will present a $4-a-plate inaugural banquet and dinner dance for incoming officers of the club at the Muehlebach Hotel, Feb. 10.

Reel Theatre Using 16mm. Reel in Color

Rockefeller Center Newsreel Theatre is experimenting with a series of 16mm. color reels on local subjects.

The house is believed to be the first to project 16mm. color and sound film from standard booth equipment on a standard size screen, 11½ by 14½ feet. Current reel, which runs three and one-half minutes, is called "On the Ice" and has shots of the Rockefeller Center skating rink. The film must be shot in bright sunlight as it tends to become purple in insufficient light.

Three additional reels are planned, "Rockefeller Center," "Speed Demons" and "New York in Color." If successful, 16mm. projection equipment will be introduced into the three other newsreel houses and football games will be shot in color next year.

Out Hollywood Way

HOLLYWOOD, Jan. 30.—M-G-M will soon put into production "Broadway Melody of 1940," which will star ELEANOR POWELL. No other member of the cast has been selected. . . .DEANNA DURBIN's next vehicle, to follow "First Love," will be "After School Days," the story for which is being written by STEPHEN MOREHOUSE AVERY and FRANK PARTOS. . . . FRED MACMURRAY, DOROTHY LAMOUR and ROBERT PRESTON will get the top roles in Paramount's "Tenderloin," from an original story by HOWARD EMMETT ROGERS and JAMES EDWARD GRANT. A highlight of the plot will be the sinking of the *Titanic*. . . . A special finale has been written for M-G-M's "Broadway Serenade," to include LOUIS PRIMA and his orchestra. . . . CHARLES BARTON, director, makes his debut as an actor—in Paramount's "Beau Geste."

✚

MELVYN DOUGLAS has been signed by Paramount for the masculine lead in "Air Raid." . . . LOUIS R. LIPSTONE, new Paramount music department head, has arrived to take up his duties. . . . DOROTHY TREE has been set by Monogram to play opposite BORIS KARLOFF in "The Mystery of Mr. Wong." . . . 20th Century-Fox will place SONJA HENIE, DON AMECHE and RUDY VALLEE in "When Winter Comes." . . . The firm of MAX FACTOR has the wig making contract for "Gone with the Wind."

✚

A virtual unknown, PATRICIA MORISON, who made her film debut in Paramount's "Persons in Hiding," has captured the feminine lead of "The Magnificent Fraud," opposite LLOYD NOLAN. . . . RKO has signed JOE PENNER to an exclusive contract. . . . JOHN H. AUER has been given production and direction responsibilities on Republic's "Hit Parade of 1939," which will star PHIL REGAN. MANNY SEFF is writing the script. . . . CONNIE MACK, veteran baseball figure, has been signed by Warners to act as technical advisor on "Hit and Run," which Warners will make this spring with PAT O'BRIEN, WAYNE MORRIS, JOHNNIE DAVIS, JANE WYMAN and RONALD REAGAN in the leading roles. The picture will tie in with the centennial anniversary of baseball, which was first played at Cooperstown, N. Y., in 1839.

✚

Casting—EVELYN KEYES, borrowed from Paramount; LAURA HOPE CREWS, ANN RUTHERFORD, borrowed from M-G-M, and HARRY DAVENPORT to "Gone with the Wind," Selznick International. . . . FRANK JENKS to "Key Women," Universal. . . . JOAN FONTAINE to Republic's "Man of Conquest." . . . Paramount placements: ELLEN DREW, AL SHORE and SAMMY LEE, currently playing at the Club Casanova in New York, and DONALD MACBRIDE to "The Gracie Allen Murder Case"; THOMAS JACKSON and HAROLD HUBER to "Beau Geste," and ROSEMARY THEBY, silent screen star, to "Federal Offense." . . . DOROTHY TREE to "Confessions of a Nazi Spy," MAXIE ROSENBLOOM to "Each Dawn I Die," JOHN RIDGELY to "Hero for a Day," and SHEILA BROMLEY to "Waterfront," all at Warners. . . . NAT PENDLETON to "Dr. Kildare's Mistake," and JOE YULE to "They All Come Out," both at M-G-M. . . . LIONEL ATWILL and WALLY VERNON to "The Gorilla," 20th Century Fox.

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Directors—EDMUND GOULDING will direct Warners' "The Old Maid," with BETTE DAVIS and MIRAM HOPKINS in the principal roles. . . . WILLIAM CLEMENS draws the assignment on "Nancy Drew, Trouble Shooter," Warners. . . . ROY ROWLAND will direct "The Incurable Optimist," M-G-M short. . . . HOWARD BRETHERTON will guide Monogram's "Boys' Reformatory," starring FRANKIE DARRO. . . . "Fly Away Home" has been assigned MICHAEL CURTIZ at Warners.

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Contracts—20th Century-Fox has extended the contracts of JOAN VALERIE and MARY MAGUIRE. . . . DORIS JORDAN and JOHN LAING have been given term acting contracts by RKO. RKO also has given a term writing pact to MICHAEL KANIN, brother of director GARSON KANIN, and who worked on the script with Jo PAGANO of "They Made Her a Spy." He is currently on "The Second Shot." . . . M-G-M has signed MARY MCCALL as a term writer. . . . Paramount has exercised an option on ELLEN DREW. . . . RKO has lengthened LEIGH JASON's directing contract.

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Titles—The final title of Warners' "Smashing the Money Ring" will be "Code of the Secret Service." . . . Warners also has changed the title of "Blind Spot," featuring HUMPHRY BOGART, GLORIA DICKSON and FRANKIE BURKE, to "Waterfront." . . . "Let Freedom Ring" is now the title for the M-G-M's NELSON EDDY vehicle, "The Dusty Road," formerly called "Song of the West."

Cincinnati Theatre To Return to Films

CINCINNATI, Jan. 30.—The RKO Shubert, which reopened the season with straight films, and later reinstated a stage and screen policy, will revert to pictures after the bill for the week of Feb. 3, when Ozzie Nelson's orchestra and Harriet Hilliard will be featured.

Stage shows have failed to increase attendance sufficiently to justify their continuance, the management reports.

'Suez' Mexican Record

MEXICO CITY, Jan. 30.—A new high for a picture was established by "Suez" at the Cine Olimpia here, the only house in this city that is directly American operated. "Suez" garnered $5,800 during the first week at a 40-cent charge, the best business at the theatre in 10 years. In the second week, at 30 cents, the take was $4,200.

'Pygmalion' Switched

CHICAGO, Jan. 30.—"Pygmalion," M-G-M release, goes into the Apollo theatre in the Loop starting Feb. 10. The film was originally set for the United Artists theatre but heavy booking caused the change.

'Jesse James' Is Smash in Detroit, Garnering $30,000

DETROIT, Jan. 30.—"Jessie James," at the Fox with a stage show, took a big $30,000 to lead here. The Michigan drew $12,000 with "Paris Honeymoon" and "Off the Record." "Stand Up and Fight" at the United Artists brought $7,000.

Estimated takings for the week ending Jan. 26:

"Secrets of a Nurse" (Univ.)
"Down on the Farm" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $3,900. (Average, $5,000)
"Jessie James" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage: Walter Dare Wahl, Tip, Tap & Toe, C. Ray Smith, Elena Romay. Gross: $30,000. (Average, $10,000)
"Paris Honeymoon" (Para.)
"Off the Record" (W. B.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $12,000. (Average, $10,000)
"Zaza" (Para.)
"Long Shot" (G. N.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Stand Up and Fight" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $7,000. (Average, $10,000)

'Kentucky,' 'Farm' Do $13,200 in Omaha

OMAHA, Jan. 30.—The dual of "Kentucky" and "Down on the Farm" set the pace at the Orpheum here with $13,200. "Zaza" did a fair $4,700 at the Orpheum dualled with "Up the River." At the Brandeis "Pacific Liner" and "Girls on Probation" did $4,200.

Estimated takings for the week ending Jan. 25-26:

"Pacific Liner" (RKO)
"Girls on Probation" (F. N.)
BRANDEIS—(1,800) (25c-35c-40c), 7 days. Gross: $4,200. (Average, $4,000)
"Zaza" (Para.)
"Up the River" (20th-Fox)
OMAHA—(2,200) (25c-40c), 7 days. Gross: $4,700. (Average, $5,500)
"Kentucky" (20th-Fox)
"Down on the Farm" (20th-Fox)
ORPHEUM—(3,000) (25c-40c), 7 days Gross: $13,200. (Average, $7,200)

Pani Plans to Make 8 Mexican Features

MEXICO CITY, Jan. 30.—Production of 12 features in the next year is the program for Alberto J. Pani, former minister of finance and a prominent capitalist, who has returned to film production after several years absence during which he got going a leading local hotel.

Pani expects to start the first of his new series in February.

Cooperative Film House

MEXICO CITY, Jan. 30.—A large film house is to be a feature of the proletarian city the cooperative society of planters and workers is to build at the federal government-sponsored sugar central at Zacatepec, Morelos state, near here.

Gray Signed in Mexico

MEXICO CITY, Jan. 30.—Lawrence Gray, movie actor, has been engaged by the Compañia Mexicana de Peliculas, S. A., a new producer, to direct its first film, which will have an aviation theme.

Warner Statement On Manton's Loan

HOLLYWOOD, Jan. 30.—Harry M. Warner today issued the following statement concerning the Judge Manton loan: "When I was in New York last November, Mr. Gurfein of the District Attorney's office interviewed me regarding the loan. At that time I freely gave him all facts which I knew in connection with it. The loan was made out of personal funds, the interest has at all times been paid and the principal has been repaid excepting an amount of $10,000 which is still owing. At the time the loan was made, I did not know of the existence of the Cinema patents case. The first time I ever heard of the case was when Mr. Gurfein mentioned it to me at our interview. Moreover, I have just learned that the decision in the Cinema patents case affirmed the decree of the District Court and was the unanimous decision of three Circuit judges who heard the appeal."

Loew Stockholder to Appeal Court Ruling

Permission to intervene in the Loew's stockholders' suit will be sought in the N. Y. Supreme Court today by Max Pakula, a stockholder. Pakula contends that the decision of Justice Louis A. Valente which exonerated Loew's officers and directors was erroneous. He wishes to appeal if the other plaintiffs fail to do so.

Motion will be opposed by Emil K. Ellis, principal attorney for the stockholders, on the grounds that the action has been pending for over a year and that Fakula has done nothing in that time. Appeal will depend, Ellis stated, on certain technicalities in the judgment which will be submitted next week. If Justice Valente's findings are found satisfactory, no appeal will be taken.

Studio Unions Move For Local Autonomy

HOLLYWOOD, Jan. 30.—Representatives of major unions in motion picture production industry met today to set up machinery to settle jurisdictional disputes, principally those affecting I. A. T. S. E. Business representatives of two locals agreed to adjust difficulties under which carpenters' and utility workers' locals engaged in a dispute with I. A. T. S. E. locals over jurisdiction of the various crafts, in accord with last week's return of complete autonomy to four I. A. T. S. E. locals by the International executive board.

Page the Major

Cincinnati, Jan. 30.—George Culpepper, nine-year-old stage-struck Negro boy, missing from home for two days, was found near the city limits of Middletown, O., 35 miles distant, propelling a "scooter." On his back he wore a placard: "Major Bowes, New York, please."

He told police he had covered practically the entire 35 miles on his one-foot propelled conveyance.

Stanford Develops New Air Invention

PALO ALTO, Jan. 30.—Stanford University yesterday announced the invention of a new radio instrument by three young scientists. It is capable of producing a new type of radio service which may speed television development and revolutionize the whole field of ultra-short-wave transmission. The new invention also is expected to be a boon to aviation.

The development generates extremely short waves which not only have great power but are easily controlled, an impossibility with the usual ultra-short equipment. Its waves are so short that they make a new approach in minuteness toward the length of light waves, and can be concentrated and reflected like the beams of a searchlight and just as easily. A single wave, it is reported, can be made so narrow that an airplane pilot could follow it with utmost confidence to a blind landing even under most hazardous conditions.

FCC Calendar

WASHINGTON, Jan. 30. — Federal Communications Commission has ordered hearings on a number of broadcasting applications, among them the following:

Applications of Bellingham Broadcasting Co., Inc., for a new 1,200-kilocycle station at Bellingham, Wash., with 100 watts night, 250 watts day; C. T. Sherer Co., Inc., for a 1,200-kilocycle station at Worcester, Mass., with 100 watts night, 250 watts day; Cabarrus Broadcasting Co., for a 1,370-kilocycle station at Concord, N. C., with 100 watts night, 250 watts day; M. C. Reese for a 1,200-kilocycle station at Phoenix, Ariz., with 100 watts night, 250 watts day, and W. B. Greenwald for a 1,370-kilocycle station at Topeka, Kan., with 100 watts night, 250 watts day.

Ask Power Increase

Stations KSAM, Huntsville, Tex., for increase of day power from 100 to 250 watts; WJMS, Ashland, Wis., to operate a new station now building on 1,370 kilocycles, 100 watts; KOVC, Valley City, N. D., for change of frequency from 1,500 to 1,340 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; KTSW, Emporia, Kan., for extension of time from day to unlimited; KPLT, Paris, Tex., for extension of time from day to unlimited; WEAU, Eau Claire, Wis., for increase of power from 1,000 to 5,000 watts; WHMA, Anniston, Ala., for extension of time from day to unlimited; WMBR, Jacksonville, Fla., for change of frequency from 1,370 to 1,120 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; KFVD, Los Angeles, for increase of time to unlimited, and KRBA, Lufkin, Tex., for increase of day power from 100 to 250 watts.

The commission has received an application from the Brown County Broadcasting Co. for a construction permit for a new 990-kilocycle, 1,000-watt daytime station at Brownwood, Tex.

Radio Audience Will See 'Wings of Navy'

A radio audience will see a preview of a feature film and witness a regular radio broadcast on Thursday at the Kate Smith broadcast in CBS Playhouse No. 2 on West 45th St. Warners will show "Wings of the Navy" immediately following the broadcast. The film will open its New York run at the Strand Friday morning.

The stunt will mark the first time a radio audience will see a feature picture. Idea for the showing was developed by Ted Collins, manager of Kate Smith. Mrs. Isabel Turner of Warners handled the idea for her company. George Brent, star of the picture, will be heard on the program in a dramatization of excerpts from the picture.

New CBS Educational Series Starts Feb. 2

CBS has completed negotiations with the New York Board of Education for broadcasts of the CBS "School of the Air" program to originate in the auditoriums of various New York high schools, starting Feb. 2.

The innovation was hailed yesterday as a progressive step in educational broadcasting by Mayor LaGuardia of New York and U. S. Commissioner of Education Hugh Studebaker.

CBS will install a broadcasting unit in the auditorium of a different high school each week, and the students will provide the radio class.

Spitalny Defendant In Contract Action

A $46,000 damage suit has been filed in N. Y. Supreme Court against Phil Spitalny by Henry Souvaine, Inc. Plaintiff claims that under a contract made May 1, 1936, he obtained a radio sponsor, General Electric Co., for Spitalny's program, known as the "Hour of Charm." Payments of $200 a broadcast were made under the contract to the plaintiff, to the extent of $4,000, according to the complaint, and a balance of $46,000 is sought. Spitalny has countered-claimed for $4,600, claiming this sum is owed him by the plaintiff.

Miller Warns Air Must Clean House, Faces Regulation

SAN FRANCISCO, Jan. 30.—A forecast that radio faces "governmental regulation" unless it sets its own house in order, and properly "regulates its programs," was made by Neville Miller, president of the National Association of Broadcasters, speaking before the Advertising Club on his west coast tour.

Miller declared radio must not be used to attack religion, or to arouse religious or racial ill feeling.

"The choice cannot be made by wishful thinking, but by intelligent fighting for the first interests of our communities," Miller stated.

Miller also spoke to a special meeting of northern California radio men, headed by Ralph Brunton, N.A.B. representative, who also is manager of KJBS.

11 Quebec Private Stations Organize

MONTREAL, Jan. 30—Eleven private stations in the province of Quebec have banded together as the Private Stations Association ostensibly to "further mutual benefits," but really to form more solid opposition to the increasingly stringent rulings of the Canadian Broadcasting Corp.

Dissatisfaction with CBC has simmered among the private stations for some time. Chief reason for the sign of unity among the private stations is believed to be CBC's proposed ban on beer advertising.

Stations in the new association are CKAC, CHLP, CFCF, CHRC, CKCV, CKCH, CJBR, CHLN, CHLT, CKRN and CHNC. Officers are Phil Lalonde, president; Narcisse Thivierge, vice-president; Alexandre Dupont, director, and Marcel Lefebvre, secretary-treasurer.

Frank Beetson Dies

HOLLYWOOD, Jan. 30. — Frank C. Beetson, office manager for Edward Small Productions, died today at Huntington Hospital, Pasadena. He had been with Small nine years.

Sounds as good as it looks — and it looks like a million!

New RCA PHOTOPHONE MAGIC VOICE of the SCREEN with Rotary Stabilizer PLUS SHOCK PROOF DRIVE

Designed for any theatre— regardless of size.

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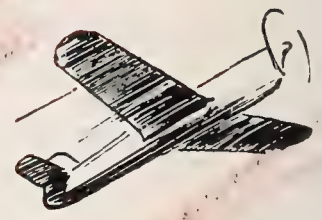
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TAIL SPIN

TAKING OFF IN ITS FIRST PRE-RELEASE RUN

BLASTS 5-YEAR RECORD

IN OPENING DAY AT CALIFORNIA THEATRE, SAN DIEGO!





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TAIL SPIN

with

JOAN DAVIS
CHARLES FARRELL
JANE WYMAN
KANE RICHMOND
Wally Vernon • Joan Valerie
Edward Norris

Directed by Roy Del Ruth
Associate Producer Harry Joe Brown
Original Screen Play by Frank Wead
Darryl F. Zanuck in Charge of Production

"Captures full wallop of sensational episodes! Packed with thrills and excitement! Has plenty of exploitation ammunition!"

—*applauds Variety Daily*

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VOL. 45. NO. 22 NEW YORK, WEDNESDAY, FEBRUARY 1, 1939 TEN CENTS

Television to Create Market For Dramatist

Middleton Says It Will Give Wider Field

Television will create an entirely new market for the dramatist, George Middleton of the Dramatists' Guild declares in the bulletin of the Guild. "The Guild does not want the American theatre to be exclusively controlled so that a play, without picture possibilities, may have difficulty finding production elsewhere," he asserts.

Since 1926, when the first of three basic agreements was signed, $11,199,566 has been paid to dramatists for film rights. Of this sum, $1,440,650 has been paid since 1936 when the third pact was signed.

Middleton states that even the man-

(*Continued on page 7*)

Chicago Business Cut 50% by Storm

CHICAGO, Jan. 31.—Checkup on effects of yesterday's snowstorm shows loop theatres suffered loss of about 50 per cent of their usual business. Neighborhood theatres in thickly populated areas did surprisingly well as thousands were unable to get transportation into the business district and went to matinees and evening shows. In districts where theatres are reached by automobiles and street cars business was off 60 to 70 per cent. Average neighborhood theatre business was off generally about 40 per cent. Downstate cities Elgin, Aurora, Joliet and Waukegan were hardest hit, business being off 50 to 60 per cent.

20th-Fox Sues Ritzes

HOLLYWOOD, Jan. 31.—Twentieth Century-Fox today filed suit in superior court for $150,000 damages and costs against Al, Harry and Jimmy Ritz for their alleged failure to report for work.

Giveaway Study

In this issue *Motion Picture Daily* publishes a fourth installment of a survey which it has made on chance games and giveaways around the country. Earlier installments were published on Jan. 23, 25 and 30. *Motion Picture Daily* invites reader comment on the subject.—Page 4.

Goldwyn Rejoins Producers' Assn.

Hollywood, Jan. 31.—Samuel Goldwyn last night rejoined the Motion Picture Producers Association from which he resigned about six years ago. During the six years, Goldwyn has worked closely with the organization but remained outside the fold. The meeting considered the present status of the basic labor agreement, method of future bargaining with the four studio locals which were granted autonomy last week, and future dealings with the I.A.T.S.E.

MPTOA Asks For Speed on Conciliation

Immediate action by distributors in setting up local boards to hear and adjust trade practice complaints is urged by the M. P. T. O. A. in a bulletin sent to members yesterday.

Pointing out that cancellation, elimination of the score charge, non-forcing of shorts with features and other phases of the proposed trade practice program now in process of completion can be made effective by distributors at any time, the bulletin reminds exhibitors that it will not only take considerable time to establish the boards

(*Continued on page 7*)

Expect Statement From Murphy on U.S. Trust Action

WASHINGTON, Jan. 31.—Despite repeated statements by Department of Justice officials that they are concerned only with speeding up trial of the Government's anti-trust suit against the film industry, reports persist here that Attorney General Murphy will make an important announcement concerning the suit within the next few days.

According to reports, Murphy conferred with a number of attorneys for defendant film companies in New York last week and is said to have been advised that an agreement is being reached among defendants on questions of theatre acquisitions by producer-distributors, modification of block booking, divorcement of affiliated theatres and procedure for the lending of talent, out of which might come the basis for a consent decree.

Queries to the Department of Justice tonight, however, failed to bring any confirmation of reports that the Attorney General would issue a statement and Department officials said they know of no plan for public discussion of the film suit.

Counsel for major companies met yesterday at M. P. P. D. A. headquarters, but declined to discuss the reasons for the meeting at its close. Denial was made by several, however, that any "understanding" concerning a consent decree was in prospect.

N.Y. State Bill Urges Tax on Amusements

Levy Would Begin With One Cent on 50

By RICHARD CONNERS

ALBANY, Jan. 31.—That low-rent housing bill sponsored by Senator Frederic Coudert and Republican Assemlyman Abbot Low Moffat, before the present State Legislature, calls for an excise tax on theatre tickets, as one of the means by which to raise funds for their proposal.

All amusements would be affected by the Coudert-Moffat measure. The rate of taxation would be:

One cent on tickets costing 50 cents; two cents on tickets costing between 51 cents and $1; five cents on tickets costing between $1 and $2, and 10 cents on tickets costing over $2.

Senator Phelps Phelps and Assemblyman Robert Crews are authors of a bill, introduced Monday night, which proposes to legalize gambling in New York State and this will have a bearing on chance games and giveaways.

Phelps and Crews are also the authors of a resolution now pending to set up state-operated lotteries. This

(*Continued on page 7*)

'Gunga Din' Headed For $95,000 Week

Despite extreme weather conditions for six days of the "Gunga Din" first week at the Music Hall, the RKO picture stands a chance of doing $95,000 for the period. Last night the gross was about $85,000. Weather encountered by the picture included New York's coldest day of the winter and three days of heavy rain turning to snow.

"Paris Honeymoon" grossed an estimated $40,000 in its first week at the Paramount and was held over. "St. Louis Blues" will start there on Feb. 8. The Roxy will hold "Jesse James" for four weeks and "Tailspin" will follow on Feb. 10. "Wings of the Navy" will go into the Strand on Friday after two weeks for "They Made Me a Criminal." "Gunga Din" will continue for a second week at the Music Hall.

Fifth week of "The Lady Vanishes" grossed an estimated $7,800 at the Globe and is continuing. "Pygmalion" drew an estimated $13,000 at the Astor in its seventh week. "Grand Illusion" will be held for a 21st week at the Filmarte. "Federal Man Hunt" will open at the Criterion today, to follow "The Girl Downstairs."

Exhibitor Legislative Plans Hinge on High Court Appeals

Plans of exhibitor organizations for state and national legislation hinge on the outcome of the Ascap and North Dakota divorcement appeals pending in the U. S. Supreme Court.

Allied States cannot shape its national legislative policy until the Supreme Court gives its decision in Paramount's appeal on the North Dakota statute which would separate theatre operation from production and distribution. State units, which take their cue from the national board, are also halted in framing legislative plans.

Should the North Dakota law be upheld, Allied plans to introduce similar bills in other states without delay. However, this case will not be heard for several weeks and the decision may come too late for further state legislation at the present sessions.

The Ascap appeal, taken by the society from Florida and Washington, was argued two weeks ago before the high court and a decision is expected next Monday. Exhibitor units intend to sponsor similar legislation in their states, should the court decide against Ascap.

New York Allied plans to introduce both divorcement and anti-Ascap bills in the state legislature. Allied officials feel that should the high court uphold the anti-Ascap laws, the society may decide to offer concessions to exhibitors, radio stations and other music users in order to forestall further legislation.

Trailer-Made Files National Screen Suit

Trailer-Made, Inc., filed a $300,000 damage suit yesterday in the U. S. District Court against National Screen Service Corp., charging National with inducing five large theatre circuits to breach their contracts with the plaintiff for supply of trailers.

Contracts running from three months to one year between Trailer-Made and Fox West Coast Theatres, with 200 houses; Fox Midwest Agency Corp., with 109 houses; Fox Intermountain Theatres, Inc., with 80 houses; Skouras Theatres Corp., with 64 houses, and Warner Bros. Circuit Management Corp., with 451 houses, were all violated, the complaint asserted, either through inducement by the defendant to supply trailers gratis or below customary rates, or through coercion and misleading statements.

The plaintiff asked for $100,000 for loss of profits and an additional $200,000 because of alleged loss of prestige and damage to its reputation. Trailer-Made claims that the contracts with the circuits were made within the last few weeks.

The five circuits named are old customers of National Screen, having been served by this company for many years. National Screen has pending an infringement suit against Trailer-Made in U. S. District Court, filed in December, and alleging appropriation of music sound tracks.

Three Face Quiz in Argentine Tax Case

Fred Mohrhardt, Frederick L. Herron and Rodney F. Starkey were directed by N. Y. Supreme Court Justice Aaron J. Levy to appear before Arthur Israel, Jr., New York notary, and answer written interrogatories in support of a suit brought by Paramount Films Sociedad Anonima and Paramount International Corp. to reduce alleged excessive tax assessments made by the Argentine Republic. Testimony will be sent to Buenos Aires, where suit against National Fisc, Argentine governmental agency, is pending before Judge Edward Sarmiento to approve the financial setup between Paramount Pictures, Inc., and its subsidiaries dealing in foreign trade. Paramount is claiming that the taxes are unjustified.

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The MERCURY	The SOUTHERNER
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Ar.....8:49 a.m.	Ar..... 3:22 p.m.

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Purely Personal

HERBERT WILCOX, SAM ECKMAN and MADELEINE CARROLL are due on the *Normandie* tomorrow. MARTA EGGERTH and JAN KIEPURA, European players, also will arrive and sail Saturday on the same boat for a South American cruise.

•

HARRY BLACK was feted by a group of friends at Jack's in Albany on his promotion to the Fabian home office in New York. He is a former manager of the Palace in Albany.

•

G. T. STANTON, technical consulting department manager of Erpi, left yesterday for New Haven to attend a two-day conference on building technique.

•

GEORGE V. DENNY, director of New York's Town Hall, is back in New York after several days in Washington lining up speakers for the Town Hall debates.

•

GEORGE BRENT arrived in New York yesterday from Washington where he attended the President's Birthday Ball. He expects to fly to Bermuda Friday.

•

ED SCHNITZER, eastern district manager for Warners, left last night for a brief visit to the Albany and Buffalo exchanges.

•

ADELAIDE FINCH, Pathe News feature editor, will talk on fashions at the Radio City Newsreel Theatre tomorrow night.

•

SYDNEY PICKER, office manager of Republic's New York exchange, is on a short vacation in Florida.

BEN WASHER, United Artists' publicity manager, and ANDREA LEEDS returned yesterday from Washington where they attended the President's Birthday Ball.

•

GEORGE COMBS, former Congressman and now commentator on WHN, ill and unable to appear on the air yesterday.

•

WILLIAM A. SMALLEY, Cooperstown operator of the Smalley Circuit, has gone to Miami for the month of February.

•

MORRIS EPSTEIN, manager of Republic's New York Exchange, left Friday for a vacation in Florida.

•

PHILIP FOX, Columbia branch manager in Albany, and MRS. FOX are vacationing in Florida.

•

M. J. SIEGEL, president of Republic Productions, may return to the coast next weekend.

•

CAL SWANSON of the J. Walter Thompson agency is home ill with a severe cold.

•

CLARENCE ELLIS of Pathe News is in Pinehurst, N. C., shooting an archery short.

•

PHIL REGAN, Republic player, starts tomorrow in the stage show at Loew's State.

•

BOB SAVINI plans a trip to New Orleans.

•

ED CURTIN of NBC press department, is out ill.

The Newsreel Parade

Chamberlain leaving Rome, testing of a high speed plane in Buffalo, Humanitarian medal presented to Thomas Mann and the construction of the S. S. America *in Virginia are the chief news events covered in the new issues. The reels and their contents follow:*

MOVIETONE NEWS, No. 41—Franco's army advances in Spain. Chamberlain returns to England. Mass rearmament in England. Liedown strike in London. Hudson River freezes. *S. S. America* under construction. Frankfurter takes office. Award to Thomas Mann. San Francisco fair ready for opening. Parade in St. Paul. Fashions in ribbons. Curtis bomber tested. L. I. U. beats Toledo. New Hampshire horses on ice.

NEWS OF THE DAY, No. 239—Coast Guard breaks ice in Hudson. French navy mobilized. Britain speeds arms program. Franco's prisoners of war. Golden Gate fair illuminated. Speed plane demonstrated. Liner *America* nears completion. Stunt men perform for charity. K. of C. meet in Boston. Pistol championships in Miami. Trotters on ice.

PARAMOUNT NEWS, No. 52—Fastest army plane tested. Czechoslovakia parliament opens. Einstein presents medal to Thomas Mann. Camel caravan in Egypt. African girls don fancy hats. Rush completion of *S. S. America.* War in Spain. Horse racing on frozen lake. Monty Stratton predicts comeback. Glen Cunningham is track victor.

RKO PATHE NEWS, No. 56—WPA protests. Newly elected Chilean president. *S. S. America* under construction. Construction of St. Paul ice palace. High speed plane tested. Thomas Mann gets Einstein award. Ski train in New York. Boston track meet.

UNIVERSAL NEWSREEL, No. 741—Cold wave hits nation. Niagara Falls frozen. Spanish war. *S. S. Richelieu* launched. Air precautions in Paris. Bomb explosions in England. Pursuit plane tested. New liner nears completion. Last preview of coast fair. Winter carnival in St. Paul. Iceboating. Stunt men perform for charity.

Fourth Sales Drive Opened by Republic

In observance of its fourth anniversary, Republic starts its fourth salesmen's and bookers' drive today, extending to the end of April. Exchange staffs will seek individual records, and prizes will be given by each exchange. Supervision of the drive is by district managers.

Schools Add Equipment

KANSAS CITY, Jan. 31.—The visual education department of the Kansas City public school system has purchased its first sound film machine, a 16 mm., and probably will buy others. It has been using over 90 silent machines, and more than 100 reels of film a day go out of the department for educational use.

Eastern Pa. Allied Elects Governors

PHILADELPHIA, Jan. 31.—Allied of Eastern Pennsylvania, which was recently organized, elected a board of governors of 13 members at a meeting today.

Nine were elected from Philadelphia, with Morris Wax, Milton Rogasner, Ben Fertel to serve three years; Luke Gring, David Mildram and Columbus Stamper, two years, and E. B. Gregory, Charles Stiefel and Harry Perlman, one year. Out-of-town members elected are Al Fischer and Joe Conway for three years, and Harry Fried and Henry Sork, two years.

About 60 attended the meeting, at which E. B. Gregory was chairman. New quarters will be opened in three weeks at 219 North Broad St.

Hulling Monogram's Coast District Head

HOLLYWOOD, Jan. 31.—Mel Hulling, formerly manager of Monogram's San Francisco exchange, has been named district manager for Monogram, covering the entire west coast. In disclosing the appointment, George W. Weeks, general sales manager, stated that Hulling also will serve as home office representative on the coast.

F. H. Butler will succeed Hulling as manager of the San Francisco exchange. Previous to his association with Monogram, Hulling was district manager for Warners in Los Angeles and San Francisco.

Hearing Set on Plea For Pax Dissolution

N. Y. Supreme Court Justice Aaron J. Levy has directed a hearing on March 10 before Referee Robert E. Marley on an application of Elias I. Lopert, Ruth S. Lopert and Bessie Witkin to liquidate Pax Films, Inc., U. S. distributors of a number of foreign pictures.

Petitioners, who claim to own 50 per cent of Pax stock, contend that a deadlock of the directors of the company has made it impossible to continue business, and that the only alternative is dissolution and distribution of assets.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



"Above: *Typical ad from New York campaign*"

A THOUGHT FOR TODAY!

This observation is made as "Idiot's Delight" leaps into the box-office headlines, electrifies America from Coast to Coast:

M-G-M hits are for *every* box-office, no exceptions!

Nobody is fooled when trade ads high-light a few spots and proclaim a nation-wide hit!

"Idiot's Delight" like "Sweethearts" and "Stand Up and Fight" which preceded it, is a picture for all audiences!

And this is equally true of M-G-M's important releases immediately following:

"HONOLULU"—Eleanor Powell, Robert Young, George Burns, Gracie Allen
"THE ADVENTURES OF HUCKLEBERRY FINN"—Mickey Rooney
"LET FREEDOM RING"—Nelson Eddy, Virginia Bruce, Victor McLaglen, Lionel Barrymore, Edward Arnold
"THE ICE FOLLIES of 1939"—Joan Crawford, James Stewart, Lew Ayres, Lewis Stone

The thought for today is definitely:

"Don't mistake the flash in the pan for gold!"

You'll find the national currency as usual in Metro-GOLDwyn-Mayer!

Legal Opinion Is Varied on Chance Games

By SAM SHAIN

There has been considerable litigation, both civil and criminal, on the question of chance games. Opinion as to their legality is varied. The most usual way has been by criminal prosecution. Then there have been suits by exhibitors (who do not have the games) over unfair competition.

Such plaintiffs have claimed they cannot compete with those who operate games unless they themselves also operate games and thereby violate the law.

In some jurisdictions such unfair competition suits have been upheld. On the other hand there is also considerable contrary court opinion. Those courts which have held that it is not unfair competition, even though it may be violation of the law, have done so on the theory that exhibitors using chance games are not misrepresenting.

SEEK TO REVOKE CORPORATE CHARTERS

There also have been prosecutions to revoke corporation charters of those theatres which have used chance games, on the theory that such chance games are lotteries and therefore illegal.

Since the adoption in 1821 by the State of New York of a constitutional prohibition of lotteries, all states except 12 have adopted similar constitutional amendments prohibiting lotteries.

In the 12 states which do not have constitutional prohibitions, there are statutes outlawing lotteries. Federal territorial dependencies also have such statutes, and the Federal Government, as all know, prohibits the use of mails for lottery purposes, and also keeps them from radio broadcasts.

What constitutes a lottery is a matter of legal opinion. It is generally conceded that there must be three elements:

(a) A prize.

(b) Winner selected by chance.

(c) Legal consideration being given by participants for the right to take part in the chance.

To circumvent the law chance games and lotteries will offer some free opportunity for a prize.

PROFIT MOTIVE HAS A BEARING

However, there are jurisdictions in the country which maintain that the lottery is illegal, even if some get chances free, should other players pay for participating. Profit motive could have a bearing, according to some opinion, as one court has said:

"The fact that prizes are to be distributed will direct persons to the theatre who would not otherwise attend. In this manner, those obtaining prizes pay a consideration for it and the theatres reap a direct financial benefit."

Furthermore, it has been held also that the "legal consideration" which helps to constitute a lottery needn't be money. The mere fact that a participant registered for the game and entered the theatre to await the announcement, may constitute "consideration." In this instance the court ruled that the registration book itself, in the lobby, was a valuable mailing list.

But there are contrary opinions by jurisdictions in many states, including New York. All seem to be agreed, however, that wherever a patron must pay in order to participate, it is a lottery.

Giveaway Use Is Marked by Court Actions

Boston and New England

Distributors of money games in New England make almost fantastic claims for their power to stimulate business. But these claims are substantiated only partially by the exhibitors themselves.

Theatre managers say business stands and falls by the product offered, and money prizes do not boost the box-office appreciably. They admit, however, that business suffers when the games are withdrawn bu. their statements of decrease hardly approach the 30 to 40 per cent figure claimed by the promoters.

Legal attempts to outlaw games in Massachusetts have failed so far, but several district attorneys have begun new prosecutions. Violation of the lottery law is alleged. District Attorney Edmund R. Dewing is preparing a test case in Middleboro by which he hopes to ban the games from Plymouth and Norfolk Counties. He is also preparing a test case against Beano in fraternal halls. Most exhibitors and churches, clubs, etc., claim games are profitable.

In Maine, games have been banned in the Portland area and in Augusta, but have been upheld in Rockland County, where a case was tried on a complaint by a merchant.

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Los Angeles

Population, 1,350,000; 10 first runs, 26,380 seats, 30c-65c; 171 subsequent runs, 135,161 seats, 10c-40c. Money games and giveaways have flourished here since their inception. The independent subsequents blame the situation on alleged control of product by affiliated circuits.

Money games have been in vogue since 1934-'35, but have fallen off in the last few months. Grocery, dish and pottery giveaways are strong. This does not apply to first runs or Fox West Coast, which have no games or giveaways.

Clubs and churches have had games for years, and these antedated their adoption by theatres. Exhibitors do not believe if theatres abandoned games the other places would follow suit. The Elks lodge has a huge giveaway annually, usually a car and and cash prizes.

There has been no attempt by the authorities to stop games, but officials insist that the law be complied with in permitting persons on the outside to play games. Exhibitors differ on whether they would abandon games if all did so. F.W.C. made a step in this direction six months ago. Some independents followed suit, but are reviving games and giveaways. Theatres have found it difficult to abandon the practice while the opposition continues it.

To avoid Post Office interference, newspapers take theatre ads which advertise money games by subterfuge, such as "Play Tonight," "Surprise Night," etc. Merchandise giveaways are advertised openly.

At least 40 per cent of the unaffiliated houses in the Los Angeles area have games or giveaways. An official of an exhibitor organization said: "When independent theatres have to play product after F.W.C. and other affiliated houses get through with it, they must do something to attract patrons. The independents cannot get 'previews' with the same facility as the affiliated house. So they have giveaways. It's not show business, but what can they do?"

Two Warner subsequents, the Forum in Los Angeles and the Huntington Park, have money games based on Keeno, three and two days a week, respectively. Two first runs, the Fox Wilshire and the United Artists, had games and car giveaways some time ago.

●

Thompsonville, Conn.

Population, 13,400; one theatre, 800 seats, 30c top. The house distributes $1,300 yearly in cash games. It believes the games have boosted grosses and will not discontinue them unless compelled by the authorities, who are lenient in Connecticut. There are no non-theatrical games, except by the Veterans of Foreign Wars, who cooperate with the theatre. The local authorities have asked the operators not to give the games wide publicity, particularly outside the city or state.

Lotteries Are Prohibited in All 48 States

Buffalo

Until about four months ago, theatre men in this city of 600,000 confined games to the 58 neighborhood houses. None of the five first runs ever found it necessary to adopt games, though 75 per cent of the outlying exhibitors adopted Bango, Bingo, Ten-O-Win and Screeno. The practice has been in vogue here about 10 years.

Almost to a man, the subsequent run operators, with 46,500 seats to fill, say they would be glad to drop the games, "if everybody else did."

But former Mayor Francis Xavier Schwab took over the Gayety and tried to run it as a Bingo emporium. The district attorney stopped him. Now he is running films at the house, three nights a week, with a $500 Bingo pot added.

Catholic churches used chance games extensively until last fall, when Bishop Turner banned them. Fraternal organizations retain them.

Theatres distribute about $3,600 weekly in prize money through chance games. Vincent McFaul of the Shea circuit, Nicholas Basil and Mrs. George J. Gammel find no favorable net after operating expense is deducted.

Theatre chance games are believed to have stimulated similar schemes by clubs and lodges. Exhibitors plan to retain games, and so do the non-theatrical situations.

●

Caldwell, N. J.

Population, 6,000, has one theatre. It runs Employment Night and Bingo, jackpots runing from $40 to $500, two nights a week. Cost to the theatre, maximum of $2,500 a year. Churches and organizations operate Bingo, but not to the theatre's discomfort.

●

Elizabeth

Population, 115,000; three first runs, 20c-40c; four subsequents, 15c-25c. Three subsequents run games, two on a fairly large scale. They feel games have helped, and would not quit them if they could. One first run gives dishes three times weekly.

[This is the fourth of a series of articles surveying the giveaway situation in the country. The next will appear in an early issue.]

134,583 Attended 163 Cincy Games

In Cincinnati, during December, at 163 games of Bingo, there was an attendance of 134,583 persons. This is from a survey by Chief of Police Eugene T. Weatherly. The aggregate gross of these games was $107,381. Capital prizes, which are now rather nominal, formerly ran as high as $3,000.

Drop Game Action

La Crosse, Wis., Jan. 31.—Attorney General John E. Martin has disclosed that his office has dropped its action against the La Cross Theatres Co., charging the Rivoli with conducting a public nuisance in Bank Night.

Martin said the reason was to enable him to study the law for himself to make a decision as to whether the case was worth carrying on.

THEY MADE ME A CRIMINAL



makes JOHN GARFIELD

A Star So Big that Even Warner Bros.' 'Angels' and Dawn Patrol' Are Equalled in Opening Engagements!

(Boston, Miami, Newark, Buffalo, Bridgeport, Memphis, Milwaukee, Dayton)

With another grand job by

THE 'DEAD END' KIDS



and **CLAUDE RAINS**
ANN SHERIDAN · MAY ROBSON
GLORIA DICKSON

Directed by Busby Berkeley • Screen Play by Sig Herzig • From a Novel by Bertram Millhauser and Beulah Marie Dix • Music by Max Steiner

'Hardys' High Loop Grosser With $20,000

CHICAGO, Jan. 31.—"Out West With the Hardy's" was the Loop leader and grossed a neat $20,000 at the United Artists.

Ted Weems and his orchestra helped "Zaza" at the Chicago to $32,800. At the Palace Tony Martin and "The Great Man Votes," were a strong attraction with $21,000.

The weather was cold and unsettled most of the week.

Estimated takings for the week ending Jan. 25-28:

"Sweethearts" (M-G-M)
APOLLO — (1,400) (35c-55c-65c) 7 days. Gross: $6.000. (Average, $6,500)
"Zaza" Para.)
CHICAGO — (4,000) (35c-55c-75c) 7 days. Stage: Ted Weems and Band. Gross: $32,800. (Average, $32,000)
"Dawn Patrol" (W.B.)
GARRICK — (900) (35c-50c-60c) 7 days. Gross: $6,000. (Average, $6,500)
"Newsboy's Home" (Univ.)
ORIENTAL—(3,400) (25c-35c-50c) 7 days. Stage: Joy Hodges and Revue. Gross: $16,300. (Average, $13,000)
"The Great Man Votes" (RKO)
PALACE — (2,500) (35c-55c-75c) 7 days. Stage: Tony Martin and Band. Gross: $21,000. (Average, $19,000)
"Duke of West Point" (U.A.)
ROOSEVELT—(1,300) (35c-55c-75c) 5 days. Gross: $7,000. (Average, $11,000)
"Blondie" (Col.)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Gangbusters Revue. Gross: $14,800. (Average, $12,000)
"Out West With the Hardys" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $20,000. (Average, $15,000)

'Topper' $6,000 On Dual Bill in Milwaukee Slump

MILWAUKEE, Jan. 31. — "Topper Takes a Trip" and "Pacific Liner," grossing $6,000 at the Warner, was the only bill capable of bettering average in a week of heavy snow and wintery blasts.

Estimated takings for the week ending Jan. 25-27:

"Blondie" (Col.)
"While New York Sleeps" (20th-Fox)
WISCONSIN — (3,200) (35c-50c) 6 days. Gross: $5,000. (Average, $8,000)
"There's That Woman Again" (Col.)
"Road Demon" (20th-Fox)
PALACE—(2,400) (35c-50c) 7 days. Gross: $4,400. (Average, $5,000)
"Swing, Sister, Swing" (Univ.)
RIVERSIDE — (2,300) (25c-30c) 7 days. Stage: Original Hollywood Star Doubles in Person. Gross: $4,000. (Average, $5,000)
"Paris Honeymoon" (Para.)
"Artists and Models Abroad" (Para.)
STRAND—(1,400) (35c-50c) 7 days. Gross: $3,800. (Average, $4,500)
"Topper Takes a Trip" (U.A.)
"Pacific Liner" (RKO)
WARNER—(2,400) (35c-50c) 7 days. Gross: $6,000. (Average, $5,000)

Win Injunction on Iowa Theatre Name

WATERLOO, IA., Jan. 31.—Rosenthal Brothers, Inc., operators of Rosenthal's Iowa here, have been granted a temporary injunction to prevent the Singer-Waterloo Corp., from using the word "Iowa" in connection with the Mort-Singer Iowa Theatre here.

Hollywood Previews

"Honolulu"

(M-G-M)

HOLLYWOOD, Jan. 31.—Comedy, music, dancing and picturesque production settings and effects supply the entertainment values of "Honolulu." Primary name value is represented by Eleanor Powell, Robert Young, George Burns and Gracie Allen. In support are Rita Johnson, Clarence Kolb, Jo Ann Sayers and Willie Fung. It is a Jack Cummings production which Edward Buzzell directed; music and lyrics were composed by Harry Warren and Gus Kahn and Bobby Connelly and Sammy Lee arranged and directed the dance routines.

The original screenplay by Herbert Fields and Frank Partos is light, gay and frothy and should provide amusement for a wide audience sector. The hero, Young, plays a dual-identity role which makes for a complicated story. He is a film star, worn out by the beatings which such luminaries are subjected to by worshipping admirers. He looks as much like a certain Hawaiian business man as does his reflection in the mirror. He makes a deal to change places with him. The business man goes to New York to take the beatings. Young goes to Honolulu, falls in love with dancing Eleanor Powell en route, is accepted as her fiance by Miss Johnson and is thrown into jail by her father, Kolb.

Meanwhile Gracie Allen is funny, Miss Powell dances, instrumental and vocal music and spectacular production effects have their place in the general entertainment scheme. Young escapes his predicaments as his double comes home to reclaim Miss Johnson and, of course, Miss Powell is made to realize that stars are not the egotistical snobbish creatures she thought.

Running time, 80 minutes. "G."* G. McC.

"Woman Doctor"

(Republic)

HOLLYWOOD, Jan. 31.—Republic's "Woman Doctor" is aimed at the great number of patrons who, on the nights they stay home, read magazines of the "true confession" type. Thus, the picture's appeal is mostly to women, and it is a competent directorial achievement to this end. "Woman Doctor," in which the chief role is played by Frieda Inescort, is a story of a woman doctor, who because of devotion to her Hippocretean oath, almost loses the affections of her husband and her daughter.

Supporting Miss Inescort are Henry Wilcoxon, Claire Dodd, Sybil Jason, Cora Witherspoon, Frank Reicher, Gus Glassmire, Dickie Jones, Joan Howard, Spencer Charters, Virginia Brissac. Sidney Salkow directed from a screenplay by Joseph Moncure March, based on an original by Alice Altschuler and Miriam Geiger.

Ad lines and exploitation angles are indicated by the synopsis. Miss Inescort, as the doctor too busy to make a home for her husband and daughter, is divorced by Wilcoxon, but retains the custody of her daughter. The daughter, Sybil Jason, spurns her mother because of her neglect, and runs away to her father, who by this time is attracted to another woman, played by Claire Dodd. The child is hurt in falling from a runaway horse, and the mother operates on her while the child is being flown to a hospital.

Running time, 65 minutes. "G."* VANCE KING

**"G" denotes general classification.*

Legion Approves 7 Of 8 New Pictures

National Legion of Decency has approved seven of the eight films reviewed and classified this week. Two were approved for general patronage, five were found unobjectionable for adults, one objectionable in part.

The films and their classifications follows. Class A-1, Unobjectionable for General Patronage—"Fisherman's Wharf" and "Gunga Din." Class A-2, Unobjectionable for Adults—"Four Girls in White," "Inside Story," "Pardon Our Nerve," "Persons in Hiding" and "St. Louis Blues." Class B, Objectionable in Part—"Idiot's Delight."

CEA Urges Control Of Non-Flam Shows

LONDON, Jan. 31.—The C. E. A. has appealed to the Home Office Advisory Committee for strict enforcement of the non-flam film show legislation. Evidence placed before the committee tended to show that unless there was enforcement certain small exhibitors might evade licensing by showing their films on sub-standard stock.

London Power Cost Up

LONDON, Jan. 31.—London exhibitors are faced with an increase of 7½ per cent in the cost of electricity. The increase is being imposed upon all London users of power and lighting.

'Marry' with $16,500 Leads San Francisco

SAN FRANCISCO, Jan. 31.—"Next Time I Marry" was the best comparative grosser here, with $16,500, a generally slow week. "Trade Winds" was good for $9,000 in the second week at the United Artists, and "Paris Honeymoon" and "While New York Sleeps" took $13,000 at the Warfield.

Estimated takings for the week ending Jan. 24-27:

"Next Time I Marry" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $16,500. (Average, $16,000)
"Trade Winds" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $9,000. (Average, $7,000)
"There's That Woman Again" (Col.)
"Smashing the Spy Ring" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $8,500. (Average, $8,500)
"Stand Up and Fight" (M-G-M)
"Thanks for the Memory" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $7,500. (Average, $17,000)
"Sweethearts" (M-G-M)
ST. FRANCIS — (1,400) (15c-35c-40c-55c-75c) 7 days, 4th week. Gross: $5,500. (Average, $7,000)
"Zaza" (Para.)
"Disbarred" (Para.)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $12,500. (Average, $13,000)
"Paris Honeymoon" (Para.)
"While New York Sleeps" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $13,000. (Average, $13,000)
"Life Dances On" (AFE Corp.)
CLAY — (400) (15c-35c-40c) 7 days, 4th week. Gross: $800. (Average, $1,300)
"Grand Illusion" (World)
LARKIN—(390) (15c-35c-40c) 7 days, 6th week (held over from previous run at Clay). Gross: $900. (Average, $1,300)

'Jesse James' Big Hit in Cleveland Grossing $19,000

CLEVELAND, Jan. 31.—"Jesse James" at Warners' Hippodrome was very big with $19,000.

"Going Places" on the RKO Palace screen with the Bill Robinson show on the stage took $17,000. "The Son of Frankenstein" finished its second week downtown with $4,000.

Weather was very cold and streets slippery.

Estimated takings for the week ending Jan. 27:

"The Son of Frankenstein" (Univ.)
ALLEN—(3,000) (30c-35c-42c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"Jesse James" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $19,000. (Average, $12,000)
"Going Places" (W.B.)
RKO PALACE — (3,100) (30c-42c-55c) 7 days. Stage: Bill Robinson and Sepia Revue. Gross: $17,000. (Average, $15,000)
"Paris Honeymoon" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $7,000. (Average, $13,000)
"Burn 'Em Up O'Connor" (M-G-M)
LOEW'S STILLMAN — (1,900) (30c-35c-42c) 7 days. Gross: $2,000. (Average, $4,000)
"Grand Illusion" (World)
CITY — (485) (35c-42c) 7 days. Gross: $1,400. (Average, $1,200)

Fisher to Universal

CHICAGO, Jan. 31.—Abe Fisher, formerly with Gaumont-British here, is joining the sales staff of the Universal Exchange in Detroit.

New Showmanship Will Draw Public Hub Exhibitors Hear

BOSTON, Jan. 31.—A new technique of showmanship is being developed which will attract the 75 per cent of the public which does not today attend motion picture shows, H. M. Richey, director of exhibitor relations for RKO, told the annual convention of Independent Exhibitors of New England at the Statler tonight.

Richey said that only about 25 per cent of the community is tapped at present, but "with standardization of the industry at an end" under the new setup "a higher premium will be placed on the initiative of individual companies, theatres and distributors."

"I think," he said, "that this individual initiative will go right down the line to each small element in the business.

"There must be developed some technique of selling the good pictures to the public in order that pictures that are high in production value, but not necessarily high in box-office pull, can be shown to a wider audience. . . . As I tour the country I see renewed evidence of the new blood that is coming into the business, doing things that some people said were impossible."

Rogers to Sail for Mayflower Parleys

Budd Rogers, general manager here for Mayflower Productions, sails Saturday on the *Aquitania*. He will confer with John Maxwell, chairman of Mayflower, and Erich Pommer and Charles Laughton, managing directors, on distribution arrangements in America for "St. Martin's Lane" and "Jamaica Inn," which feature Laughton. Mayflower's production plans also will be discussed.

Fleischer's 'Gulliver' Will Open in Miami

"Gulliver's Travels," first full length color cartoon feature by Max Fleischer, will be completed in time to open in Miami Christmas under the Paramount banner. W. R. Lynch, general manager of Paramount Enterprises, has signed a contract for the feature which was produced in the Fleischer Studio in Florida. The Fleischer Studio moved south from New York last September.

Sears, Blumenstock Leave for New York

HOLLYWOOD, Jan. 31.—Gradwell L. Sears and Mort Blumenstock left tonight for New York after setting exploitation features for four Warner releases. S. S. Schneider, Warner financial expert, who came with Sears and Blumenstock remains until later in the week.

M. E. Comerford Stricken

MIAMI, Jan. 31.—M. E. Comerford is ill of pneumonia at his winter residence here. Frank C. Walker, head of Comerford Enterprises and son-in-law of the stricken theatre man, came here from New York today. Comerford's condition was described today as "improved".

Two Guilds Would Back AFRA Strike

HOLLYWOOD, Jan. 31.—Artists Managers Guild and Screen Actors Guild, although at odds over the licensing plan of the latter, today joined hands in support of the American Federation of Radio Artists should a strike be called on commercial radio programs. Both organizations voted to back AFRA at meetings held last night.

Artists' agents hereafter will insist that all future contracts signed in behalf of their clients with radio advertising agencies contain a clause nullifying contractual obligations in the event of an AFRA strike.

Albany Bill Calls for Tax on Amusements

(*Continued from page* 1)

resolution will be afforded a public hearing some time in February. The lottery resolution must pass two successive legislatures, however, while the referendum bill on gambling can be passed on to the public at once.

Crews is a Republican, from Brooklyn. Phelps is a Manhattan Democrat.

These legislators are the authors of a big-city projectionist bill, which purposes to compel two operators to a booth.

The State Health Department is opposing the bill, which has the support of labor organizations, on grounds that by the terms of the bill, State Health Department projectionists would be barred from operating machines, despite their "great amount of experience."

Nominations Made On Sound Recording

HOLLYWOOD, Jan. 31.—Nominations for achievement in sound recording to be given by Academy of Motion Picture Arts and Sciences were announced today by John Aalberg, chairman of the sound recording award committee. Selected by each studio they are "Army Girl," Republic; "The Cowboy and the Lady," United Artists; "Four Daughters," Warners; "If I Were King," Paramount; "Merrily We Live," Hal Roach; "Suez," 20th Century-Fox; "Sweethearts," M-G-M; "That Certain Age," Universal; "Vivacious Lady," RKO; "You Can't Take It With You," Columbia. Final selection will be by a special committee of the technicians branch of the Academy.

Name Committee for Film Editors Award

HOLLYWOOD, Jan. 31.—The following joint committee has been appointed to handle the film editor award by the Academy of Motion Picture Arts and Sciences: Anne Bauchens, Philip Cahn, Frank Hull, H. J. McCord, and Gene Milford, representing the Academy Film Editors Section, and Edward Dmytryk, Desmond Marquette, Otto Meyer, Conrad Nervig, and Frederick B. Richards, representing tthe Society of Motion Picture Film Editors.

Install Short-Wave On Plane to Europe

Installation of short-wave relay broadcasting equipment on the Pan American Airway Clipper No. 17 for use during the ship's impending flight to Europe has been completed by Clyde Houlson, WABC short-wave field technician. Transmitter has 100 watts power with a frequency range of 1,600 kilocycles to 23 megacycles. Equipment was built to specifications of the CBS engineering department.

Para. Ready on '39 British Production

LONDON, Jan. 31.—Paramount will begin its 1939 British production at the Denham Studio this week.

"Peace in Our Time" will be the first feature to go into work. In the near future, "French Without Tears," from the stage play of the same name, will go into work shortly, under the direction of Anthony Asquith.

Television to Give Market for Dramatist

(*Continued from page* 1)

agers would not welcome film backing for the legitimate theatre unless certain restrictions were laid down. After pointing out that peace is near in the long standing feud over the basic pact, Middletown stated that film rights should be purchased after open competitive bidding and after the play has had "its full legitimate stage life in New York and on the road."

With reference to television and radio rights, he points out that the Guild has not been able to prevent such rights from passing with film rights. "The Guild feels it is powerless to prevent this so long as novelists and other writers, selling in the same market, permit the inclusion of those rights in their picture sales. Few authors realize it will be films, made from their initial creation, which will be projected by television into the homes."

Picture Ball Ticket To James Roosevelt

James Roosevelt, vice-president of Samuel Goldwyn Productions, purchased the first ticket for the Annual Motion Picture Ball from Franchot Tone yesterday. The ball is being given under the auspices of the Film Division of the Theatre Arts Committee. Sponsors include Howard Dietz, Lynn Farnol, Louis Nizer, Frances Farmer, Katherine Locke, Lillian Hellman and Howard Barnes, *Herald-Tribune* film critic. The ball will be held at the Hotel Roosevelt on Feb. 10.

Graner's Mother Dies

PITTSBURGH, Jan. 31. — William Graner, Pittsburgh manager for Ross Federal Service, is mourning the loss of his mother, Mrs. E. J. Graner, 75.

9-Foot Marquee Bill Is Passed by Council Over Veto of Mayor

Limit on height of theatre marquee signs in N. Y. City was restored to nine feet yesterday when the City Council passed the Keegan bill over the Mayor's veto by a vote of 21 to 4. Scores of orders, totalling approximately $350,000, according to labor union estimates, for new marquee installations and renovations have been delayed by the existing two-foot limit.

Restoration of the old limit which existed prior to January, 1938, is expected to stimulate new installations and remove uncertainties about signs which have not conformed to the law. Mayor LaGuardia vetoed the bill several weeks ago on the ground that the whole question of signs in the city should be dealt with instead of passing separate ordinances. The veto resulted in a protest by labor unions.

David Solinger, attorney for the Newsreel Theatres, who attempted to have the limit set aside in a test case, said yesterday that the litigation would be discontinued in view of the favorable legislation.

MPTOA Asks Speedy Conciliation Action

(*Continued from page* 1)

but that delays may be encountered before they begin to function. For these reasons it urges an immediate start on the local boards.

The bulletin urges a combination of both arbitration and conciliation methods for the boards. It asserts that conciliation should be tried first and, if it fails, there should be recourse to arbitration. It admits of major flaws in both methods, however, and suggests no other line of procedure. The bulletin lists the principal problems to be handled by the boards and unreasonable clearance, overbuying, cut-rate competition, non-theatrical competition, designation of unsuitable pictures, and forcing of shorts and features.

The bulletin estimates that 10,000 theatres will be in a position to avail themselves of the 20 per cent maximum cancellation privilege on contracts averaging less than $100 per picture, and that another 4,000 will qualify for the 15 per cent cancellation privilege on contracts averaging between $100 and $250 per picture. This would leave about 2,500 theatres entitled to the 10 per cent cancellation right.

The bulletin reports that M. P. T. O. A. leaders expect to see "no major changes in principle" resulting from the current rewriting of the distributors' trade practice proposals, but merely their simplification and clarification. Nothing is said about further negotiations with the distributors when the revision of the distributors' draft is completed, lending strength to the current impression that no more negotiations will be held.

Mrs. Randel's Funeral

Funeral services are to be held this morning at the Riverside Memorial Chapel for Rose Randel, mother of Henry Randel, Brooklyn and Long Island branch manager for Paramount. Mrs. Randel died Monday.



LORDSBURG SENTINEL
OCTOBER 4, 1885

STRANGE EXPERIENCE

NINE TRAVELERS TRAPPED IN
STAGE COACH BETWEEN HERE & TONTO, ARIZ.

ATTEMPTED MURDER

Outcasts, Fugitives Thrown with Elite on
Wild Ride with Life and Death at Stake

One of the most curious incidents in recent frontier history came to a thrilling climax last night as nine oddly
-d passengers arrived on the Lordsburg Stagecoach
after generally

STAGECOACH

A WALTER WANGER PRODUCTION
(Producer of "Trade Winds" and "Algiers")

DIRECTED BY
JOHN FORD
(Academy award winner, director of "Submarine Patrol," "The Hurricane," "The Informer,")

with CLAIRE TREVOR • JOHN WAYNE
Andy Devine, John Carradine, Thomas Mitchell, Louise Platt, George Bancroft, Donald Meek, Berton Churchill, Tim Holt

Released thru United Artists



Dance-Hall Girl: Nothing mattered but a man she'd never seen before.



Convict: He gave himself up in order to be taken to Lordsburg; where three men waited to kill him.



"Buck" the driver: He wanted to go home.



Man of Mystery: A strange whim, something from the past...forced him to go on.



Doctor: It took 12 cups of coffee to sober him in time.



Wife: "We must go on, I've got to find my husband."



"Curly" the Marshal: Why did he release his prisoner?



Traveling Salesman: "I'm a married man ...father of five...I insist we go back."



Banker: Why so careful of the little black bag?

NINE STARTLING PERFORMANCES . . . PLUS EXCITEMENT THAT GRIPS YOU AND NEVER LETS YOU GO. ALREADY THE WORD IS GETTING AROUND THAT "STAGECOACH" IS A PICTURE OF GENUINE GREATNESS!

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 23 NEW YORK, THURSDAY, FEBRUARY 2, 1939 TEN CENTS

Power Taken Off Radio by Darryl Zanuck

Action Follows Protest from Exhibitors

Twentieth Century-Fox yesterday withdrew Tyrone Power from further participation in the latter's starring radio series, "Hollywood Playhouse," which is broadcast Sundays over NBC, coast-to-coast. In an agreement with Power's sponsor, the Jergens-Woodbury Co., the star will terminate his broadcasting after next Sunday. No other stars are mentioned.

Darryl Zanuck, in charge of 20th Century-Fox production, stated the move was made as a result of protests from exhibitors about the excessive appearances of film players in radio. Such protests have increased for some time past, but this marks the first instance of a studio heeding the complaints.

Zanuck's Statement

"We have no quarrel with radio," said Zanuck, "but there is great validity in the insistence of exhibitors throughout the country who contend that they are severely injured because the air lanes are so crowded these days with screen personalities. Not only the theatres, but the stars themselves are endangered because it is so difficult to get adequate material for these air programs, especially

(*Continued on page* 41)

'Gunga Din' Grosses $103,000 First Week

Improved weather conditions yesterday helped restore Broadway box-offices to normal. "Gunga Din" did excellent business yesterday and finished its first week there with an estimated $103,000. It is held over. At the Capitol, "Stand Up and Fight" drew an estimated $24,000 for the week and makes way today for "Idiot's Delight." "Pacific Liner" grossed an estimated $19,000 for its 15-day run at the Rialto.

Rivoli Books 'Nation'

"One Third of A Nation," the Harold Orlob production which Paramount is distributing, has been booked to open at the Rivoli Feb. 11, the picture's national release date. Picture was re-cut recently, with several sequences shortened materially. Re-editing delayed its release several weeks.

Name Inspector on G.B. Investigation

London, Feb. 1.—Board of Trade has appointed Russell Kettle to act as inspector to conduct an investigation of the affairs of Gaumont British.

The appointment climaxes appeals for such an inquiry made to the Board of Trade by G. B. shareholders many months ago, and is at odds with a Board of Trade statement in Commons last session that the plan for an investigation had been suspended at the request of shareholders.

SAG to Seek Rise for Some Extra Groups

Screen Actors' Guild plans to obtain higher wage scales for certain classes of extras in the spring, Kenneth Thomson, executive secretary, declared yesterday. He declined to disclose what the demands would be. Efforts also will be made to "de-casualize" the ranks of the S.A.G. "Persons who now appear occasionally in the films as extras should be eliminated," Thomson explained. "The field is overcrowded, and professionals must be permitted to earn their living without this type of competition from casuals."

Actors' unions in Los Angeles will take the first steps toward closer cooperation within the next two or three months when they will move into offices in the same building, Thomson disclosed. Long an advocate of the "one big union" theory in the Associated Actors & Artistes of America, he is in town for international board meetings of the A.A.A.A. and to assist the American Federation of Radio Artists in their strike negotiations.

Thomson admitted that his first enthusiasm for complete interchange-

(*Continued on page* 41)

BOARD SETUP DUE IN 2 TO 3 MONTHS

Making the Same Mistake Twice

By SAM SHAIN

Winners of the Movie Quiz will be announced on Feb. 20, at a gigantic, country-wide "bank-nite" —the biggest of them all. There will be $250,000 given away.

Two million contestants, their families and friends will be compelled to visit the theatre again in order to find out whether they have been successful in the colossal giveaway game. That they have had to see 30 pictures in order to make qualifying answers in the Quiz is not enough.

It is on a Monday night, too, that they are to be compelled to go—the traditional off-night in show business—when folks prefer to stay at home.

The contest angle has been severely criticized and the campaign itself with its tremendous cost has been under fire almost from its inception, but just who is to be taken in by this new and ingenious method of awarding the prizes is a matter for curiosity.

Is it the public?

If the industry has benefited, howsoever intangible that benefit may seem to some, awarding the prizes in the manner contemplated is making the same mistake twice, and wiping out whatever gains there may be claimed for the campaign.

Expect Conciliation Plan To Act as Check on Trust Actions

Local conciliation or arbitration boards will be established nationally in two or three months. By that time the new selling season will be under way. The distributors expect to have a self-regulation system in work for inclusion in 1939-'40 contracts.

Considerable of the litigation to which the industry is now subject may be avoided in the future, it is felt, if a conciliation or arbitration system is immediately set up. In 1938 there were about 150 Federal court actions by exhibitors charging anti-trust violations. Some of these were settled without trial. At the present time there are 140 suits pending.

The distributors feel that if the aggrieved exhibitors had an industry tribunal where their complaints could be heard the number of such actions would greatly diminish. This was the experience during the life of the NRA film code boards. An additional consideration is that such machinery would create better relations between exhibitor and distributor.

Wants Specific Rules

Meanwhile, Allied insists on specific rules and regulations on arbitration before it consents to a self-regulation program. Abram F. Myers, general counsel, in Washington yesterday declared that he was greatly interested in the M. P. T. O. A. suggestion for immediate creation of local boards.

He refused to comment directly on the M. P. T. O. A. proposal, but indicated that at some future time he may have recommendations to offer on arbitration.

"Allied has supported and adheres to

(*Continued on page* 41)

AFRA Terms Met; Strike Is Averted

American Federation of Radio Artists and the Committee for Advertisers will sign a new pact today. Settlement of their differences has been made. There will be no walkout. AFRA wins on all counts, it is understood, except on the point of a closed shop.

NBC, CBS and Mutual, however, are committed under existing contracts to a closed shop.

The accord was reached late last night.

IN this issue, Motion Picture Daily presents a section dedicated to the Twenty-Fifth Anniversary of the commencement in the film industry of W. Ray Johnston, president of Monogram Pictures Corporation. Motion Picture Daily takes this occasion to extend felicitations to him, to his company and associates.

Purely Personal

NED E. DEPINET, RKO vice-president, is ill at the Ambassador Hotel, Los Angeles.

•

GEORGE J. SCHAEFER is expected back from the RKO studio early next week.

•

HANK KAUFMAN, manager of Columbia exchange operations, left New York yesterday on a visit to all of the company's exchanges in connection with the annual sales drive now under way. He will be in the field until the close of the drive, March 18.

•

JEAN HERSHOLT will leave for Hollywood tomorrow after spending six weeks in New York with MRS. HERSHOLT. HERSHOLT's air program, broadcast during his stay here, will be resumed from Hollywood.

•

HARRY MOSKOWITZ, Loew's construction head, had a birthday Monday. The family gathered at C. C. MOSKOWITZ's home at Kew Gardens for a celebration.

•

HORTON SMITH, JIMMY THOMSON, DICK METZ and ED DUDLEY, golfers, are with the Pathe camera crew in southern California making a Sportscope.

•

FRANK C. WALKER returned to New York yesterday from Miami after visiting there with M. E. COMERFORD, who is recovering from a serious illness.

•

H. M. RICHEY, RKO theatre relations director, has leased a home in Larchmont. MRS. RICHEY arrives today from Detroit, their former home.

•

ROBERT GILLHAM, Paramount advertising and publicity director, leaves for the coast today for a stay of indefinite duration at the studio.

•

LEOPOLD FRIEDMAN, Loew's general attorney, is back at his desk following an attack of the flu. OSCAR A. DOOB is still out.

•

IRVING DASHKIN, manager of the Savoy, Jamaica, has left on his annual trip to the West Indies, where he will spend February.

•

PHIL GOLDSMITH of Cincinnati, taken ill on a visit to the coast, is in the Cedars of Lebanon Hospital, Hollywood.

•

A. C. BERMAN, Selznick International representative in London, arrives today on the *Normandie*.

•

CHARLES D. PRUTZMAN, Universal general counsel, is confined to his home with a cold.

•

WILLARD MCKAY, film attorney, is in Florida on a vacation of indefinite duration.

•

JUAN SOTO, Venezuela film producer, arrives today from Caracas.

•

HARRY RICE, former feature writer for the *Chronicle*, San Francisco, has been named advertising and publicity manager for the New Embassy.

•

J. REAL NETH, head of the Ohio circuit bearing his name, is recovering from the broken leg he sustained when he slipped on an icy pavement.

•

JOHN MANHEIMER, I. T. O. A. executive secretary, is reported much improved as a result of the Florida sunshine.

•

PETE LEWIS of the Film Board of Trade is home nursing an injured ankle after another spill on the handball courts.

•

RUTH GOODMAN, secretary to NED E. DEPINET at RKO, has gone to Florida.

•

A. SCHIMMEL, Universal attorney, is confined to his home with the grippe.

•

WALTER WANGER is expected in New York early next week.

Insiders' Outlook

By SAM SHAIN

FOR a little while yesterday it looked as though the Radio City Music Hall was going to have its face lifted immediately, for they began tearing down the El structure in front of it. However, it was discovered that the flooring for the subway construction of Sixth Avenue would not stand the weight of the cranes used in the demolition. Therefore, the Music Hall will have to wait two months before the El structure can be removed. Work was halted to wait on the subway job and in the interim the Hall's facade will remain hidden.

▼ ▼

Honolulu is beginning to rival Florida and California as a vacation ground for motion picture people. This week will see quite a group of film and theatre men treking towards the Hawaiian shores. Recently Abe Montague, Columbia Pictures sales chieftain, was there. Now going are William A. Scully, general sales manager of Universal; Sam Rinzler, Joseph Seider and Max Cohen, local theatre magnates.

▼ ▼

When the film stars got back to New York from Washington, where they had gone to attend the President's Birthday Ball, many of them must have felt nonplussed. Their return here no doubt was like an anti-climax after the fuss and pleasure of being White House guests, and there was no police escort waiting for them, here.

In Washington, over the weekend, screen satellites were a dime a dozen. There were Andrea Leeds, escorted by Ben Washer; Errol Flynn, Lili Damita, Eleanor Powell, Ralph Bellamy, Jean Hersholt, Mitzi Green, George Brent, Bruce Cabot, Annabella, Paul Whiteman and Frank Fay. And policemen flanked them all.

▼

The Senator from Montana kissed Miss Leeds as she posed with him in a 10-gallon hat . . . Miss Damita arrived with three trunks and changed her clothes every hour on the hour. . . . Fay announced himself to all the crowds because he insisted no one recognized him. . . . Cabot was so frightened he lost his voice every time he was asked to speak. . . . Eleanor Powell danced and Mitzi Green sang 15 different times within three hours and never at the same place twice. . . .

Bellamy sent all the way to Hollywood for a frock coat to wear to the cocktail party on Sunday—and he was the only one wearing the proper attire in all of Washington. . . . Errol Flynn beat the Roosevelt youngsters at the trick of raising oneself off the floor while sitting. They played this game after lunch up and down the White House corridors. Several of the stars offered Frank Fay 10 bucks for good gags to tell at their personal appearances, but Fay wouldn't sell.

▼ ▼

In the MOTION PICTURE DAILY on Monday, Nov. 12, there was printed the fact that the film companies have agreed not to acquire nor sell theatres without the knowledge of the Government. The companies which are defendants in the pending anti-trust suit in New York agree to submit day-to-day reports on theatre deals to the Department of Justice.

Can it be that it is in regard to this agreement that the Department of Justice is about to make an "expected statement"?

Houses to Get Quiz Lists at Same Time

To enable exhibitors to announce Movie Quiz prize winners simultaneously throughout the country on the night of Feb. 20, it has been arranged to deliver the lists to theatres at the same time.

Theatres governed by Eastern standard time will get the list at 8 P. M.; Central, 7 P. M.; Mountain, 6 P. M., and Pacific Coast, 5 P. M. Motion Pictures' Greatest Year headquarters has asked theatres not to announce the names until an hour and a half after the stated delivery time.

The lists will be delivered by local correspondents of the Chemical Bank & Trust Co. Should exhibitors eligible to receive the list fail to receive it within a reasonable time, they can obtain it by telegraphing Motion Pictures' Greatest Year in New York.

Campaign headquarters suggest that the sealed envelopes containing the names of winners be opened on the stage by the manager in the presence of a public official.

Television Is Chief Review Board Topic

Television and the making of motion pictures will be the principal subjects under discussion at the 15th annual conference of the National Board of Review which gets under way today. The three-day session will be held at the Hotel Pennsylvania.

Stanton Griffis, chairman of the executive board of Paramount will speak on "Television, the Unknown Quantity" and Allen B. Dumont, of the Dumont Laboratories, will make an address on "Technical Aspects of Television." Both speeches will be broadcast over WNYC starting at 11:15 A. M.

The remainder of the program follows: 1 P. M.—Conference registration. 2:30 P. M.—"The Making of a Motion Picture," Dr. Russell Potter of Columbia University, presiding; "The Making of a Scenario," by Dudley Nichols; "The Research Worker's Job" (speaker to be announced); "Problem of Casting," by Marion Robertson, eastern talent scout for RKO; "Designing of Costumes," by Ladislaus Czettel, costume designer for M-G-M; "Music in the Motion Picture," by David Mendoza, former musical director of the Capitol. 8:15 P. M.—Film course at N. Y. U. Therese Bonney, lecturer.

Tomorrow, 10 A. M.—"Community Activities," a discussion by delegates. 2:30 P. M.—Iris Barry, curator of the Museum of Modern Art Film Library, presiding; "The Director's Work," by Dudley Murphy; "Camerawork and Lighting" (speaker to be announced); "Sound in Motion Pictures," by Reeve O. Strock; sound director, Eastern Service Studios; "The Actor's Angle," by Franchot Tone; "Montage and Editing," by Slavko Vorkapich, M-G-M. 8:30 P. M.—"Grand Illusion" at the Chanin.

Saturday, 10 A. M.—Junior session. Demonstration of junior review activities and films made by 4-Star Clubs. 12:30 P. M.—24th annual luncheon. Langdon Post, toastmaster.

Oklahoma Gets Opening

HOLLYWOOD, Feb. 1.—Warners is planning a dual opening of "Oklahoma Kid" in Oklahoma City and Tulsa Friday, March 3.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

WARNER BROS.

Holiday-Hit Headquarters!

THANKSGIVING . . . . Angels with Dirty Faces
CHRISTMAS . . . . . Dawn Patrol
NEW YEAR'S . . . . . Devil's Island
LINCOLN'S BIRTHDAY . . . . Wings of the Navy

FOR WASHINGTON'S BIRTHDAY



From the stage smash critics called "the only rival of 'Brother Rat'"

YES, MY DARLING DAUGHTER

(With the lovers of 'Four Daughters')

Priscilla Lane • Jeffrey Lynn
and
ROLAND YOUNG • FAY BAINTER
MAY ROBSON • Genevieve Tobin • Ian Hunter

Directed by WILLIAM KEIGHLEY

Screen Play by Casey Robinson • From the Stage Play by MARK REED • A First Nat'l Picture

'James' Hits Big $19,000, Philadelphia

PHILADELPHIA, Feb. 1.—Worst weather break of the year took its toll of business, but "Jesse James" garnered $19,000 at the Stanley.

The Ben Bernie stage show, together with "Off the Record" at the Earle took $19,000. The rest were off.

Estimated takings for the week ending Jan. 26:

"Topper Takes a Trip" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days, 2nd week. Gross: $8,000. (Average, $8,160)
"Going Places" (W.B.)
ARCADIA—(600) (25c-40c-55c) 6 days. Gross: $1,300. (Average, 7 days, $2,800)
"Zaza" (Para.)
BOYD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $8,000. (Average, $14,000)
"Off the Record" (W.B.)
EARLE—(2,000) (25c-40c-55c) 7 days. Stage: Ben Bernie and Band. Gross: $19,000. (Average, $14,000)
"Son of Frankenstein" (Univ.)
FOX—(3,000) (40c-55c-65c) 7 days. Gross: $13,000. (Average, $14,000)
"Artists and Models Abroad" (Para.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,800. (Average, $4,000)
"There's That Woman Again" (Col.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)
"Jesse James" (20th-Fox)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $19,000. (Average, $14,000)
"Ambush" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $7,000)

'Stand Up' Draws $19,000 to Lead Capital Grosses

WASHINGTON, Feb. 1.—"Stand Up and Fight" did the best business of the week, taking $19,000 at Loew's Capitol. "Kentucky" was strong at Loew's Palace with $13,500.

Two holdovers, "Paris Honeymoon" and "Sweethearts" continued in the profit column, the former pulling $4,700 at Warners' Met, and the latter $5,000 at Loew's Columbia.

Estimated takings for the week ending Jan. 26:

"Stand Up and Fight" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: "Bubblin' Over." Gross: $19,000. (Average, $16,500)
"Sweethearts" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 3rd week, 7 days. Gross: $5,000. (Average, $4,200)
"Kentucky" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $13,500. (Average, $11,500)
"The Great Man Votes" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $6,500. (Average, $10,000)
"Zaza" (Para.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Chas. Kemper, Roxyettes. Gross: $14,600. (Average, $16,000)
"Paris Honeymoon" (Para.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 2nd week, 7 days. Gross: $4,700. (Average, $4,000)

Open "Missouri" in K. C.

KANSAS CITY, Feb. 1.—World premier of "I'm from Missouri" will be held at the Newman here the middle of March. Plans were discussed here by Theodore Reed, director of the picture; Jerry Zigmond, manager of the Newman, and Arthur Cole of Paramount.

Hollywood Preview

"Tail Spin"

(20th Century-Fox)

HOLLYWOOD, Feb. 1.—As the title suggests, this is a picture about aviation, particularly about competitive aviation as of the Cleveland air races. The aviation in it is first grade aviation, at least from the layman's point of view, and there is a lot of it, including the Los Angeles-to-Cleveland women's race. There are crackups, parachute drops and power dives but no stunting. Alice Faye, Constance Bennett, Nancy Kelly, Jane Wyman and Joan Davis are seen as competitors in the Cleveland competition. Charles Farrell, Kane Richmond, Wally Vernon and Edward Norris carry the subordinated masculine interest.

In common with other aviation pictures, this one is at its best in the air. The ground story relied upon to add interest to the air episodes and fill the necessary spaces between them is a sketchy account of the various young women's reasons for flying, a mild romance linking the affairs of two of them slightly. There has been relatively little attempt to make the human side of the picture more than a foundation for the aerial exhibition. Nancy Kelly and Edward Norris, who die in mid-picture after brief plot prominence, have the best of the dramatic opportunities. Joan Davis and Wally Vernon are in charge of the laugh department, which is also subordinated.

It's a Harry Joe Brown production, directed by Roy Del Ruth from an original screenplay by Frank Wead. It is expensively cast and produced. Like all aviation pictures, it derives a certain exploitation timeliness from the current general emphasis upon aviation as an institution.

Running time, 80 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'James,' $11,000 In Oklahoma City

OKLAHOMA CITY, Feb. 1.—"Jesse James" set a smart pace here, with a gross of $11,000 at the Criterion. "Kentucky" took a good $2,700 in a return engagement at the Plaza, and "Nancy Drew, Detective" and "Heart of the North" were good for $2,700 at the Liberty. Snow and rain hurt business to some extent.

Estimated takings for the week ending Jan. 26:

"Jesse James" (20th-Fox)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $11,000. (Average, $5,200)
"Nancy Drew, Detective" (W.B.)
Heart of the North" (W.B.)
LIBERTY—(1,200) (20c-25c-30c) 7 days. Gross: $2,750. (Average, $2,500)
"Zaza" (Para.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,000. (Average, $4,500)
"Kentucky" (20th-Fox)
PLAZA—(750) (25c-35c-40c) 7 days. Return. Gross: $2,750. (Average, $2,300)
"The Duke of West Point" (U.A.)
STATE—(1,100) (20c-25c-40c) 7 days. Gross: $3,500. (Average, $3,500)
"Topper Takes a Trip" (U.A.)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $2,500. (Average, $2,500)

Signs Order on RKO 1938 Accounts Audit

Federal Judge William Bondy has signed an order authorizing the Irving Trust Co., as trustee of RKO, to engage Price, Waterhouse & Co. to audit the accounts of RKO for 1938, and to prepare consolidated statements and a detailed report of the company and its subsidiaries for that year. The order limits Price, Waterhouse to a maximum fee of $4,800 for the work required. According to the Irving Trust a detailed report will facilitate the work of transferring RKO's assets under the plan.

'James' Captures Smash $17,300 in Two K.C. Houses

KANSAS CITY, Feb. 1.—"Jesse James" at two houses walked off with a gross of $17,300. The picture took $8,800 at the Esquire and $8,500 at the Uptown.

A big snow and a big thaw didn't bother "Jesse James" but didn't help other first runs.

Estimated takings for the week ending Jan. 24-26:

"Zaza" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $7,800. (Average, $7,000)
"Jesse James" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $8,800. (Average, $3,000)
"The Duke of West Point" (U.A.)
"Homicide Bureau" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $7,600. (Average, $11,500)
"The Great Man Votes" (RKO)
"Torchy Gets Her Man" (W.B.)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $5,400. (Average, $5,000)
"Little Tough Guys in Society" (Univ.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Revels of 1939, featuring Varsity Eight, 3 O'Connors, Dare & Yates, and the Bradfords. Gross: $9,700. (Average, $7,000)
"Jesse James" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $8,500. (Average, $4,000)

Toronto Firm Drops Sales of 16mm. Films

TORONTO, Feb. 1.—In the belief that the distribution of both standard and 16 mm. pictures by the same company was opposed in business competition, Harry Price of Superior Films, has disposed of the 16 mm. branch of his independent establishment. The stock of narrow width features has been sold to General Films which operates principally in the Canadian West.

'Gunga Din' in Los Angeles Is Smash $39,500

LOS ANGELES, Feb. 1.—"Gunga Din" showed the way to other bills in town with a sensational gross of $39,500 in two theatres, taking $20,000 at the Hillstreet and $19,500 at the Pantages.

"They Made Me a Criminal" did well, grossing $15,000 at the Warner Hollywood and $16,000 at the Warner Downtown. "Pygmalion" drew $6,600 in its fifth week at the 4 Star.

Estimated takings for the week ending Feb. 1:

"Jesse James" (20th-Fox)
CHINESE—(2,500) (30c-75c), 7 days, 2nd week. Gross: $9,700. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c), 7 days, 5th week. Gross: $6,600. (Average, $3,250)
"Gunga Din" (RKO)
HILLSTREET—(2,700) (30c-65c), 7 days. Gross: $20,000. (Average, $6,500)
"Jesse James" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c), 7 days, 2nd week. Gross: $11,300. (Average, $14,000)
"Gunga Din" (RKO)
PANTAGES—(3,000) (30c-65c), 7 days. Gross: $19,500. (Average, $7,000)
"Zaza" (Para.)
PARAMOUNT—(3,595) (30c-65c), 4 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $8,500. (Average, $18,000)
"They Made Me a Criminal" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c), 7 days. Gross: $15,000. (Average, $14,000)
"They Made Me a Criminal" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c), 7 days. Gross: $16,000. (Average, $12,000)

'Hardys' $9,500 in Slow Montreal Week

MONTREAL, Feb. 1.—"Out West With the Hardys" grossed $9,500 as the single attraction at the Palace. "Kentucky" brought $8,000 to the Capitol, and the second week of "The Beachcomber" registered $5,000 at the Princess. A cold wave and considerable snow discouraged patronage.

Estimated takings for the week ending Jan. 28:

"Kentucky" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $8,000. (Average, $9,500)
"Say It In French" (Para.)
LOEW'S—(2,800) (25c-40c-50c) 7 days. Stage: Benny Meroff Band and vaudeville. Gross: $6,000. (Average, $8,000)
"King Kong" (RKO)
"It Happened One Night" (Col.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,500. (Average, $5,000)
"Out West With the Hardys" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $9,500. (Average, $11,000)
"The Beachcomber" (Para.-British)
"Arrest Bulldog Drummond" (Para.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days, 2nd week. Gross: $5,000. (Average, $7,000)

Orders Auction on 3 Houses in Conn.

NEW HAVEN, Feb. 1.—Sale at public auction of the Capitol, Palace and Middlesex in Middletown on April 11 have been ordered by the Superior Court of Middlesex County. Sale will be conducted by William L. Hadden, receiver.

Arthur Lockwood, M. P. T. O. A. board member, has been identified with the operation of the houses in a partnership.

1914 · 1939

THE FRANCHISE HOLDERS AND EMPLOYEES
of
· MONOGRAM · PICTURES ·
· CORPORATION ·

are honored to present to

· W · RAY · JOHNSTON ·

President and Founder of the Company

this testimonial to the high respect and warm regard in which he is held by all those with whom he has been associated throughout a long and successful career.

On this occasion, marking the completion of

· A · QUARTER · OF · A · CENTURY · OF · SERVICE ·

in the motion picture industry, we take this means of expressing to him our admiration for the leadership he has maintained in an industry in which he is a pioneer; for the courtesy and sincerity which have distinguished his relationships with client and competitor alike; for his firm

FRIENDSHIP · AND · LOYALTY

and for the inspiration and guidance which have lightened our daily tasks.

January 14, 1939

W. RAY JOHNSTON
SILVER JUBILEE YEAR

1914 · 1939



We missed too many of Ray's first twenty-five years—but want a season ticket for the second.

Here's to a bigger and better JOHNSTON and MONOGRAM.

—*Pathe Film Corporation*

New York City Laboratory:
35 West 45th Street

Main Laboratory:
Bound Brook, N. J.

W. RAY JOHNSTON
SILVER JUBILEE YEAR

MANY TRAILS TO HIGH PLACE IN A NEW INDUSTRY

Telling the story of W. Ray Johnston's quarter-century in the film business

NAPOLEON finished at Waterloo, but W. Ray Johnston, president of Monogram Pictures, began there. A pioneer in motion pictures, there are few executives in the film business who have experience so varied. He has been actor, producer, exhibitor, editor, salesman. This year he celebrates the completion of 25 years in the film industry.

Born in Bristow, Ia., on Jan. 2, 1892, Johnston was a member of a large family. A year later, his parents moved to Janesville, a small town not many miles away. Young Ray entered grammar school and immediately became the leader of his class. In high school, he was an honor student, being graduated *cum laude,* at the age of 16. But the youngest member of the Johnston family was not satisfied to rest on his laurels. He had a driving force which made him desirous of more knowledge. His ambition was not for the cornfields of the midwest.

He attended the Waterloo College of Commerce. His business career began concurrently with his search for commercial knowledge. Outside of class hours, he worked in the mailing department of the *Daily Reporter,* Waterloo's leading newspaper. Upon graduation from the commerce school, Johnston was given a letter of recommendation from the school's president as the most "conscientious" student ever enrolled at the school. Futhermore, the president predicted great things for his future.

Johnston became assistant to the circulation manager of the paper. But after a brief fling in journalism, he became secretary to the manager of the Citizens' Gas and Electric Company of Waterloo, later becoming secretary to a local banker whose interests served to bring Johnston to the secretaryship of the Vaughan Land Co., the Western Realty and Investment Co. and the Iowa Mausoleum Co., all of Waterloo. In the latter company, at the age of 19, he was placed in charge of 35 salesmen and a construction crew of several hundred men engaged in filling the orders turned in for community mausoleums throughout Iowa, Nebraska, Kansas and Minnesota.

Gets Into Film Business

But the Johnston ambition could not find satisfaction in so small a city. The chance came in the person of a business acquaintance, Wilbert Shallenberger, an executive of the Thanhouser, Mutual, Majestic, New York Motion and Keystone Film companies. A business associate of Shallenberger was in need of a confidential secretary. Johnston was offered the post. So, in 1914, at the age of 22, the youth pulled up stakes from the middle west and travelled east to become aide to Charles J. Hite, president of the Thanhouser studios at New Rochelle, suburb of New York.

In two months, Johnston had mastered the trade language and realized the colossal possibilities of an industry still in its infancy. At the end of this short time, he was appointed treasurer of Syndicate Film Co. which was organized to distribute "The Million Dollar Mystery," the first of the notable serial pictures and one of the most successful of them all. It represented a negative cost of $80,000 and grossed $1,000,000.

Made at the Thanhouser Studios in 23 chapters as a 46-reel serial, "The Million Dollar Mystery" had as its star James Cruze, who now is one of Hollywood's directors. To promote interest in the film, the studio launched a newsapeper contest requesting the fans to suggest the final chapter. Production was held up for three months until finally a stenographer in Chicago came through with a satisfactory ending.

It was Johnston who introduced

[*Continued on next page*]

Came Through

With the celebration of his 25 years in the film business, W. Ray Johnston, Monogram president, announces that the new Monogram, but eighteen month old, lived up to its 1937-'38 program in the first year of reorganization and delivered 100 per cent of its product to exhibitors. . . . A sales quota of $6,750,000 has been set for the present year to be met by the exchanges. This amount is almost double last year's figure.

MOTION PICTURE DAILY

A special section celebrating W. Ray Johnston's Silver Jubilee Year



W. RAY JOHNSTON

President

Monogram Pictures Corporation



SCOTT R. DUNLAP

Vice-President

Monogram Pictures Corporation

To High Place in Films

[*Continued from preceding page*]

Al Jennings, one-time Oklahoma train robber and later Democratic candidate for governor, to screen audiences in the six-reeler, "Beating Back." The success of this picture aided Johnston's uninterrupted surge upward in film circles.

Hite's interests carried beyond production into exhibiton, and Johnston's knowledge of the industry was rounded out as a result. He was assigned by Hite to supervise the operation of two New Rochelle houses which had been dipping into the red far too long. He investigated, discovered that overhead was too high for the calibre of features being served the houses—that the public, even in 1915, was "shopping" for entertainment. He made the necessary adjustments and returned to the home office with the two theatres showing a profit.

Then an Actor—Briefly

But Johnston wanted more knowledge. He wanted to learn all ends of the business, so he went on the payroll of the Thanhouser company as an actor for six months. He succeeded, during this time, in getting the actor's "slant" on production. It was during this brief interlude that Johnston successfully headed the first actors' organization to better relations between employer and employe in the motion picture industry. But his thespian talents proved no menace to the stars of the day.

A few months later he was made manager of the newly opened Thanhouser studio at Jacksonville, Fla. In the summer of 1916, he returned to New York to be assistant treasurer of Thanhouser and, later, president of Big Productions Film Corp. In 1937, he joined W. E. Shallenberger, who, in the meantime, had organized Arrow Film. Johnston remained with this company for seven years and eventually became its vice-president and general sales manager.

In January, 1924, Johnston branched out for himself and organized Rayart Pictures. Through it, he succeeded in turning a $10,000 stock investment into a business gross of $1,250,000 by the time talking picture arrived in 1927. His idea was to produce an annual schedule of 24 silent "westerns" to service the thousands of exhibitors who would need this type of product while major companies were learning the technique of sound and acquiring equipment.

Johnston allied himself with Trem Carr, a young California producer who had been on the Hollywood scene since 1922. Carr was in charge of production while Johnston headed business administration in New York. Like Johnston, Carr hailed from a small midwestern town, Trenton, Ill., and was educated at the state university. He became vice-president of Rayart.

The venture was a success and, when sound finally arrived Johnston and Rayart were prepared. In 1931, he called in the distributors of his product, who were independent exchange men throughout the country, and formed a cooperative organization known as Monogram Pictures, patterned after the structure of the old First National organization. His production and distribution organizations were merged cooperatively to make and sell a talking picture program of 28 features. Franchise holders were named in the new organization, each paying a pro-rata share of the cost of each picture and holding a stock interest in the parent company and sharing in its profits.

The following year when the company's franchise holders convened in New Orleans, the schedule for the new season was increased to 32 features. In that year, 1932, its distribution became world wide with Pathe distributing in England and Empire Films, Ltd., in Canada, and various agents in other principal countries throughout the world. In the United States were 37 affiliated Monogram exchanges, covering every key city.

Its 1933 convention at Atlantic City was attended by 100 delegates who voted to increase the budget cost of the season's schedule by at least one-third. During the year, the company's headquarters were moved from 723 Seventh Ave. to new quarters in the RKO Building, in the then newly opened Radio City. Johnston was named to President Roosevelt's code Authority of the NRA. In four years, the man who knew films from every angle, had built a business geared to produce and distribute 36 pictures a year.

For Himself Once Again

Late in 1935 Republic Pictures was formed, with Johnston as its president and the Monogram exchanges serving as national distribution outlets. However, a year later, he withdrew to reorganize Monogram Pictures Corp.

The Monogram identity had not been lost in the merger that created Republic and many features on the Monogram schedule were in the process of liquidation when Johnston decided to go into business for himself once again. In August of 1936, he revived Monogram on a more ambitious scale than ever before. Immediately he launched into the problems of financing the new Monogram schedule, creating a new system of distribution.

From August, 1936, to March 24, 1937, while the use of the Monogram name was being cleared, the company was called Sterling Pictures. It is this new Monogram, starting production in the summer of 1937, which has made such great strides in a short period of time.



Johnston and Jack Hoxie in 1919

BEFORE THE AGE OF SPECIALIZATION

W. Ray Johnston was one of the motion picture industry's pioneers. He remembers the days when there were no specialists—each member of the old Thanhouser company in New Rochelle, N. Y., was a "jack of all trades," including Dame Nature. That was in 1914, 1915 and 1916.

"If an unexpected snow descended on the studio," Johnston recalls, "the scenario editor, who lived next door, would rush to the studio. By noon, the company would be shooting on a snow picture. Likewise, when Long Island Sound froze over, a quick scenario was rushed through, called 'My Cousins from Labrador.'

Water Main Broke

"Later," he continues, "a water main broke, flooding a side street in New Rochelle over the curbs. A story was rushed and the players, in boats, made rescues from windows and rowed people down the streets."

In those days, there were no such thing as a "prop" department, a wardrobe mistress, a makeup department. The actors supplied their own clothes, applied their own make-up, dressed their own hair, supplied the "props" in a film. James Cruze, now one of Hollywood's directors, was star of "The Million Dollar Mystery," the first of the notable serials and one of the most successful.

He Bet the Car

"In the picture," Johnston tells, "Jimmy played a young reporter, and was using his own small car he just had bought. Someone in the press department told him he should have received the car free for the publicity he gave it in the picture. Jimmy approached the agency on the question and they agreed to give the actor a new car. The following afternoon, Jimmy played a game of horse-shoes, betting the car against $350. He lost. A few days later he was informed that the agency had changed its mind, since he already had one of their cars and it had been identified in the serial.

"In the next chapter of the film, Jimmy arranged with the scenario editor to have a scene where the car broke down. In the film he attempted to fix it when a farmer came along asking what was wrong with the car. In a subtitle, Jimmy said, 'Everything. The darn thing never did run right,' and walked out of the scene. Thus he got even with the agency for their failure to keep their promise."

When a script contained a fire scene, it was held on the shelf until a real fire took place. Then the production department rushed the players to the fire and began shooting on the film.



Twenty-five Years Ago

1914 • 1939

Sincere Best Wishes to

RAY JOHNSTON

on his

SILVER JUBILEE ANNIVERSARY

•

MONOGRAM PRODUCTIONS, Inc.

SCOTT R. DUNLAP
vice-president in charge of production

J. P. FRIEDHOFF
Treasurer

CHAS. J. BIGELOW
Production Manager

DOROTHY REID
Story Editor

E. R. HICKSON
Technical Director

RUSSELL SCHOENGARTH
Film Editor

BILL PEIRCE
West Coast Publicity

Supervisors

LINDSLEY PARSONS
W. T. LACKEY
E. B. DERR
PAUL MALVERN
ROBERT TANSEY
EDWARD FINNEY

Directors

WILLIAM NIGH
HOWARD BRETHERTON
AL HERMAN
ALAN JAMES
LAMBERT HILLYER

Contract Players

BORIS KARLOFF
JACKIE COOPER
MOVITA
JOHN CARROLL
FRANKIE DARRO
JOHN TRENT
ANNE NAGEL
JACK RANDALL
TEX RITTER

W. RAY JOHNSTON
SILVER JUBILEE YEAR

1914 · 1939

HAIL!

W. RAY JOHNSTON

on his

SILVER JUBILEE ANNIVERSARY

It is an honored privilege to be associated with a company having the distinction of such experienced and rare leadership.

E. B. DERR,
Producer

FRANK MELFORD,
Associate Producer

W. RAY JOHNSTON
SILVER JUBILEE YEAR

1914 · 1939

EASTMAN FILM

BRULATOUR SERVICE

FORT LEE CHICAGO HOLLYWOOD

W. RAY JOHNSTON
SILVER JUBILEE YEAR

JOHNSTON "STOOGE" SAYS IT'S AN HONOR



BY EDWARD A. GOLDEN

Vice-President
Monogram Pictures Corp.

TWENTY-FIVE years is a long time in any business. Twenty-five years in the motion picture business is actually much longer.

W. Ray Johnston entered motion pictures 25 years ago, and during that time he has conducted himself and his business in a manner which has won the esteem, respect and admiration of the entire industry.

He is not the kind of guy one can get close to easily. He is not the kind of guy about whom one forms an opinion in a hurry, but he has qualities which are appreciated by those who revere manliness.

I have known Ray for most of those 25 years. I have been closely associated with him for a third of that time. Many times I have heard myself referred to as Johnston's "stooge." Ordinarily "stooge" is a word which one would resent, but to be his "stooge" has been a great honor and a real stimulus. I have observed him in all kinds of situations and under every conceivable circumstance, but have never seen him deviate from the ideals and code of ethics which have guided his career and which are so rare and so admirable that it is indeed very gratifying to have an opportunity to pay tribute to them. There is no double talk in his makeup.

Having been in close association with so many leaders of our industry, and being thoroughly familiar with the frailities of mankind, it is indeed a rare privilege to be closely allied with this man—Ray.

The greatest tribute which can be paid to Ray Johnston is witnessed by the fact that the men who were his friends 25 years ago are still his friends.

High Optimism Is Justified by Deeds

BY W. RAY JOHNSTON

MONOGRAM'S ACCOMPLISHMENTS in the 18 months since the company reappeared on the motion picture horizon justify the high optimism which my associates and I feel for its future. A closely knit organization such as ours presents a unified picture and a unified purpose. We know where we are heading and we know, too, our limitations as well as our possibilities.

Part of our optimism is due to the fact that Monogram's 36 exchanges already have five thousand accounts on their books, representing an increase of seven hundred deals over last year. Our sales quota of $6,750,000 for 1938-'39 exceeds by $2,500,000 the preceding season's figures. Likewise production budgets for the current year have been increased $1,000,000.

Perhaps the greatest source of satisfaction is derived from the knowledge that Monogram is currently operating in the "black." We have not completely discarded our swaddling clothes and many of the pains of infancy remain to be cured. However, I feel confident that exhibitors all over the United States who got on the Monogram bandwagon when the company first announced its reorganization program, feel that they have been amply repaid for their confidence in us.

It is my purpose to justify again the faith which showmen have always vested in the brand name of Monogram and to exercise vigilance at all times that the product which we deliver will arrive as per schedule and represent an increasingly high standard of entertainment.

MONOGRAM'S RAPID GROWTH IN 2 YEARS

With the creation of the new Monogram 18 months ago, it was necessary for W. Ray Johnston, Monogram president, to turn an idea into solid fact. In deciding to reorganize Monogram, Johnston realized that, in addition to studios in Hollywood and a New York executive office, he would have to set up a complete new distribution system in the United States and Canada. The exchanges that had been part of the old Monogram had been absorbed into Republic during his affiliation there.

This task was accomplished in a short period of time. Johnston lined up branches in every key city to distribute Monogram product. In less than two years a coordinated group of 36 exchanges had taken shape to handle the company's program of 42 feature pictures a year.

Thirty of these exchanges are established strategically in leading territories of the United States: east, west, south, midwest and far west. A complete coverage of Monogram product, from first run deluxe theatres in key cities, to the neighborhood house in the smallest community, is assured. Additionally, six leading cities in Canada, including Toronto, Calgary, Montreal, St. John, Vancouver, and Winnipeg, sell Monogram pictures.

The men who are presidents or managers of these exchanges all meet the high standard of requirements set by Johnston. Leading citizens in their own territorial regions, these men are active in the civic affairs of their communities also. Included are such men as C. W. Trampe of Milwaukee; Ben Nathanson, Minneapolis; Henri Elman, who recently was candidate for mayor in Chicago; L. O. Ringler, Omaha; Howard Stubbins, Los Angeles; John Mangham, Atlanta and New Orleans; Ben Welansky, Boston; Ed Blumenthal, Dallas; F. E. Judd, Des Moines.

Departments in other parts of the company grew just as rapidly. Business increased to such an extent that the number of home office employes tripled and Monogram moved into larger quarters in its Radio City home office in New York.

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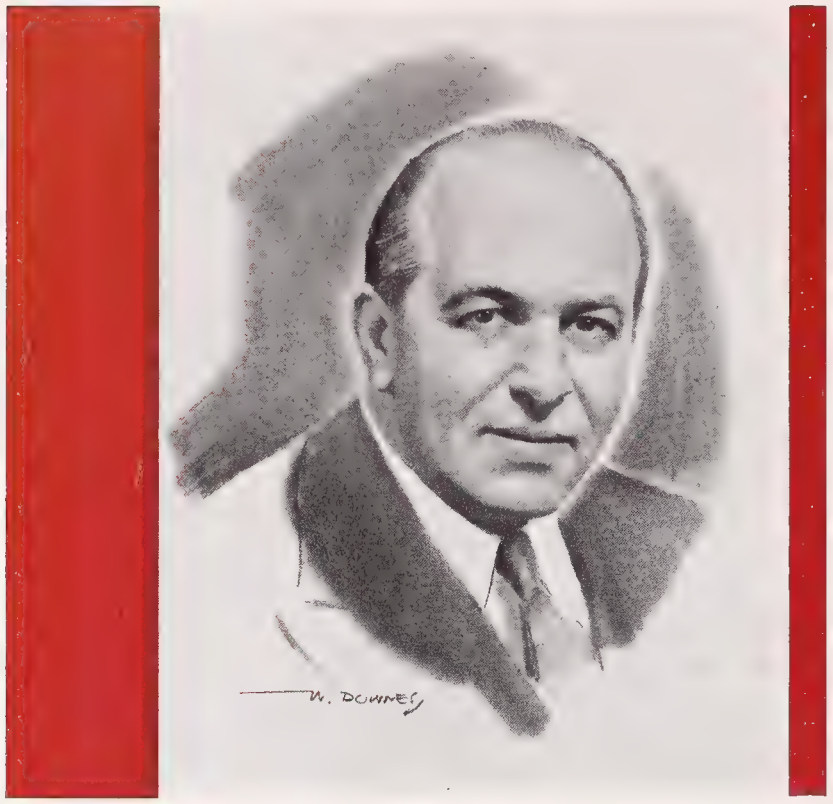
Extend their
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Congratulations
· to ·
W. RAY JOHNSTON
on his magnificent achievement

MONOGRAM PC PICTURES

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W. RAY JOHNSTON
SILVER JUBILEE YEAR

SQUARE DEALING IS A BASIC PRINCIPLE



BY GEORGE W. WEEKS

General Sales Manager
Monogram Pictures Corp.

OUTSTANDING circuits and leading independent theatres have contracted for the Monogram product because they know that the company has always met its obligations to exhibitors and has given more than its worth. All over the land, showmen have told me that Monogram's "Boy of the Streets" and "Hoosier Schoolboy" have earned more money for them and have delivered greater satisfaction to their audiences than many of the socalled "super-epic" productions.

It is because of this square dealing which has always characterized Monogram's relations with its clients that exhibitors have without hesitation accorded us sizeable increases when signing contracts for the current Monogram program. They know that by supporting a company such as ours they are assured of a steady flow of sound entertainment at rentals which make it possible for them to realize a profit on their engagements.

The Johnston Jubilee campaign for playdates has won a gratifying response from exhibitor friends. The five-week period from Feb. 1 to March 4 inclusive has been set aside by the Monogram offices as a gesture of appreciation for W. Ray Johnston on the occasion of his 25th anniversary in the motion picture business. Every branch is actively behind the movement to have all its accounts play Monogram pictures insofar as possible during the Jubilee month.

I predict that Monogram will continue to make sturdy strides forward. Its beginnings have been most auspicious.

Giving Exhibitors Entertainment Films

By SCOTT R. DUNLAP

FROM EVERY PRESENT indication, Monogram is definitely headed for the top. Those at the helm of its activities understand theatre conditions today and are producing pictures to meet those conditions.

Monogram is building an organization of men which I consider among the best in the field. Our aim is to continue to build up the confidence of exhibitors, who already are showing their appreciation.

Exhibitors are quick to acknowledge that motion pictures claiming to be genuinely "box-office" are those containing down-to-earth drama, conflicts that take place in every day life and to ordinary people. Take that formula, add several excellent actors and you have a box-office feature.

During the past two years, Monogram has gained prestige not alone in Hollywood but throughout the country. That prestige can be attributed to the fact that this company is conscientiously trying to give the exhibitor entertainment.

Good authors and good saleable actors. That's the aim of Monogram. Already Monogram has on its contract list such outstanding players as Jackie Cooper, Boris Karloff, Frankie Darro, John Trent, Tex Ritter, Movita and Jack Randall.

With sales already showing a great increase over last year, I have no doubt that Monogram will take the lead as the fastest growing studio in the country.

DIARY of a SECRETARY

BY MADELEINE S. WHITE

Three whole weeks working for a steel company . . . bah! how uninteresting . . . guess I'll look into that job in the film business I just heard about . . .

Well, that was easy . . . three questions asked and told to report Monday morning . . . what a nice, quiet, easy-going man that W. Ray Johnston is! Wonder how being his private secretary will be like, though, after what the office manager told me: "He's a prince of a fellow but he talks very fast and he mumbles." . . . Oh, well, I don't like the steel business anyway . . . guess I'll take a chance . . . first day all right . . . feel a bit nervous but hope I can stay . . . like this picture atmosphere . . . much nicer than the steel business. . . .

Gee, hope the boss doesn't think I'm dumb! He dictated "Arrow advertising campaign" and I wrote "aero advertising campaign" . . . well, that's that Iowa accent . . . I can't be blamed for that . . . and he dictated "Tudor Theatre" and I wrote "two-door theatre" . . . it's that accent again but I blush as he reminds me that fire laws require more than two doors for any theatre . . . oh, well, it's only 1921—I may improve as time goes on . . . here two weeks and now I sign the mail . . . guess I've caught onto that Iowa accent at last!

An appointment at last to screen a picture for the Capitol Theatre and I fall down on getting the print there . . . why wasn't I exterminated for that one . . . and he didn't even lose his temper!

Why doesn't the boss start his own company? . . . plenty of good will and everything it takes . . . 1924 . . . Rayart Pictures Corporation, W. Ray Johnston, President . . . nice!

Talking pictures . . . evolution headaches. . . . good idea of the boss' to keep on making silent pictures for the little theatres with no dough for sound equipment . . . Syndicate Pictures can handle 'em.

Wonderful how that man can look ahead . . . 1929—Monogram Pictures Corporation . . . still getting in the boss' hair . . . but he's patient. . . .

My word! . . . 1935 already! . . . Talk of liquidating Monogram and forming another company . . .why?

Tempus fugit . . . it's 1937 now . . . a brand new Monogram baby is born . . . 1939 . . . how that little guy is growing . . . he'll never be any bigger than the boss himself though . . he's the grandest boss a secretary could ever work for . . . they may come as good but never any better . . . a boss is only as good as a secretary thinks he is.

CONGRATULATIONS
W. RAY JOHNSTON

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W. RAY JOHNSTON
SILVER JUBILEE YEAR

1914 · 1939

An Open Letter to W. Ray Johnston

London, England
January 20, 1939

Dear Ray:

Let me take this occasion of your Silver Jubilee in the motion picture industry, to extend to you my sincerest wishes and congratulations.

For seventeen years I have enjoyed your friendship and confidence. To be associated with you as I have been is indeed a rare privilege and I hope that it continues for many more years.

I am proud to add my tribute to those of your countless friends all over the world.

Sincerely yours,

(Signed)

ARTHUR LEVEY

W. RAY JOHNSTON
SILVER JUBILEE YEAR

The Hon. James Lee Wong sends
sincere felicitations to

W. RAY JOHNSTON

on his
Silver Jubilee Anniversary

boris karloff

MONOGRAM'S EXECUTIVE PERSONNEL

They guide affairs of company in home office and Hollywood



W. RAY JOHNSTON
President and Director



SCOTT R. DUNLAP
Vice-President and Director



E. A. GOLDEN, Vice-President
In Charge Exchange Operations



GEORGE W. WEEKS
General Sales Manager



SOL A. ROSENBLATT
Director



TREM CARR
Director



WILLIAM R. STEWART
Director



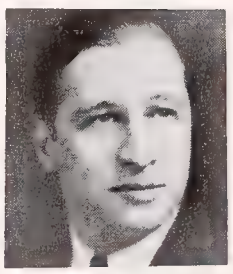
J. A. SISTO
Director



O. HENRY BRIGGS
Director



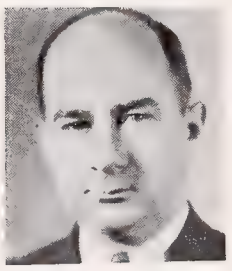
LOUIS S. LIFTON
Adv. and Publicity



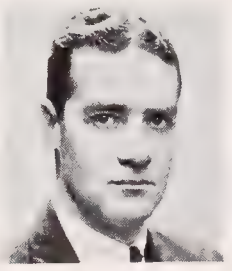
LEON FROMKESS
Treasurer



J. P. FRIEDHOFF
Treasurer-Coast



J. S. HARRINGTON
Mgr.-Accessories



N. V. RITCHEY
Foreign Manager



BEN AGREN
Comptroller



LLOYD LIND
Asst. to Sales Head



CHAS. BIGELOW
Prod. Manager



J. REG. WILSON
Home Office



WM. PIERCE, JR.
Coast Publicity



E. B. DERR
Assoc. Prod.



KARL BROWN
Writer



ERNEST HICKSON
Technical Head



ED FINNEY
Assoc. Prod.



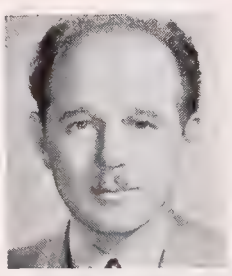
MADELEINE WHITE
Secretary



DOROTHY REID
Story Editor



SCOTT DARLING
Writer



R. SCHOENGARTH
Chief Film Editor



R. BETTINSON
Foreign Rep.



MARION ORTH
Writer



WILLIAM NIGH
Director

1914 · 1939

Happy Landings to

our friend and business associate

W. RAY JOHNSTON

on His Silver Jubilee Anniversary

The "Tailspin Tommy" gang

PAUL MALVERN, INC.

PAUL MALVERN, President

W. RAY JOHNSTON
SILVER JUBILEE YEAR



Dear Mr. Johnston:

I am happy, too, to wish you all of the best.

JACKIE

W. RAY JOHNSTON
SILVER JUBILEE YEAR

FOR MONOGRAM IN THE FIELD

The franchise holders and branch managers who direct distribution

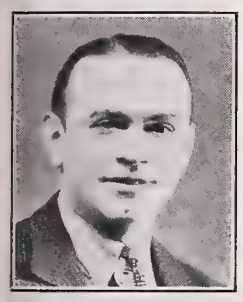

J. W. MANGHAM
Atlanta

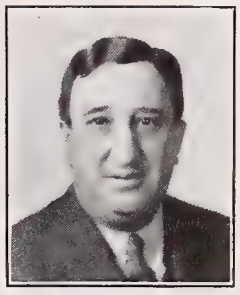

BEN WELANSKY
Boston, Pittsburgh


HARRY BERKSON
Buffalo

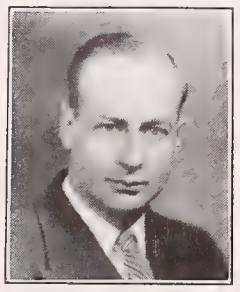

HENRI ELMAN
Chicago


WM. ONIE
Cincinnati


NATE SCHULTZ
Cleveland


ED BLUMENTHAL
Dallas

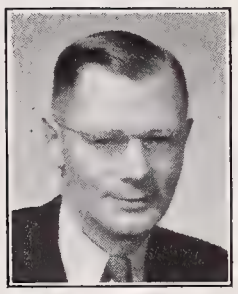

LON T. FIDLER
Denver


L. O. RINGLER
Omaha


WM. B. HURLBUT
Detroit

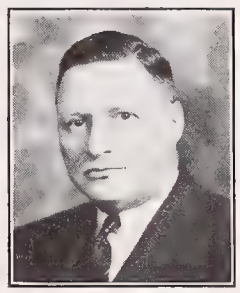

H. STUBBINS
L. A., San Francisco

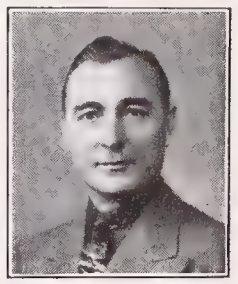

PHIL SHERMAN
New Haven


C. W. TRAMPE
Milwaukee


BEN NATHANSON
Minneapolis


CARR SCOTT
Oklahoma City


A. M. GOLDSTEIN
Seattle, Portland


M. CARMICHAEL
Charlotte


F. E. JUDD
Des Moines


CARL HARTHILL
Indianapolis


LESTER DURLAND
Kansas City


M. E. WIMAN
Memphis


ED KROFTA
Milwaukee


CHARLES WEINER
Minneapolis

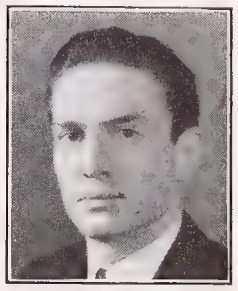

HARRY SPANN
New Orleans

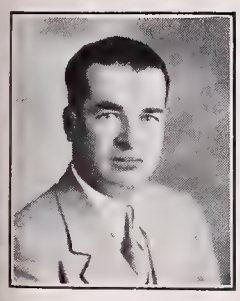

JOE FELDER
New York

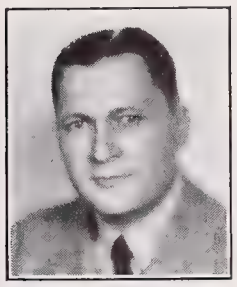

SAM ROSEN
Philadelphia


MARK GOLDMAN
Pittsburgh

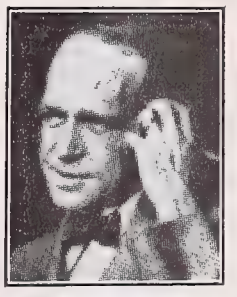

CECIL FARNES
Portland


W. McKENDRICK
Salt Lake City

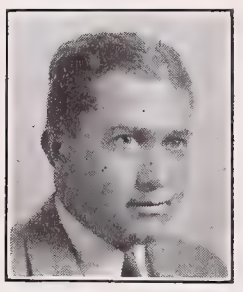

MEL A. HULLING
San Francisco


JOHN FRANCONI
Dallas


STEVE BROIDY
Boston


M. HARLAN STARR
Detroit


ROBERT TAYLOR
St. Louis


HARRY BACHMAN
Washington

ACTOR MAKES GOOD

CONSIDERING with friendly approbation the career of success which brings Mr. W. Ray Johnston of Monogram Pictures Corporation to his twenty-fifth anniversary in the motion picture business, one is tempted to dally with the reflection that while not a few of our industry's executives have become unquestionably great actors, Mr. Johnston, uniquely, is the actor who has become a ranking executive. He started, handsome two-and-twenty, in gallant roles in Thanhouser plays at New Rochelle in 1914. New Rochelle was then "just forty-five minutes from Broadway." Since then, assuredly, our actor has "gone to town."

from the
editorial page of

MOTION PICTURE HERALD

W. RAY JOHNSTON
SILVER JUBILEE YEAR

On and Off the Sets at Monogram

supervisors and directors caught by the still camera at odd moments in hollywood



W. Ray Johnston and Supervisor Lindsley Parsons



Director Paul Malvern and cast on the "Sky Pirates" Set



Howard Bretherton, director, studies the next situation closely



Lambert Hillyer, director





Al Herman, director, takes a moment to chat

William Lackey examines a film script

HAIL TO OUR CHIEF

W. RAY JOHNSTON

on his

TWENTY-FIFTH ANNIVERSARY

as

FILM PRODUCER AND DISTRIBUTOR

MONOGRAM DISTRIBUTING CORPORATION

JOSEPH FELDER, Manager
630 NINTH AVENUE
NEW YORK, N. Y.

HARRY BACHMAN, Manager
922 NEW JERSEY AVENUE, N.W.
WASHINGTON, D. C.

SAMUEL ROSEN, Manager
1241 VINE STREET
PHILADELPHIA, PA.

CONGRATULATIONS

TO A REGULAR GUY

W. RAY JOHNSTON

ON HIS

SILVER JUBILEE

•

MONOGRAM PICTURES CORPORATION

HENRI ELMAN, President

CHICAGO - - - - - INDIANAPOLIS

Congratulations to W. Ray Johnston on His Twenty-Fifth Anniversary

•

Monogram Film Dist., Inc.
Cleveland, Ohio
NATE SCHULTZ

Monogram Pictures, Inc.
Cincinnati, Ohio
WILLIAM ONIE

OKLAHOMA EXHIBITORS ARE HELPING US CELEBRATE

W. RAY JOHNSTON'S SILVER JUBILEE

OKLAHOMA CITY

T. B. NOBLE'S STATE THEATRE
"GANGSTER'S BOY"—January

WARNER'S LIBERTY THEATRE
"WANTED BY THE POLICE"—February

WARNER THEATRE
"BAREFOOT BOY"—February
"WHERE BUFFALO ROAM"—February

TULSA

RIALTO THEATRE
"GANGSTER'S BOY"—January

MAJESTIC THEATRE
"BAREFOOT BOY"—February

EVERY KEY TOWN IN OKLAHOMA

AND ALL CIRCUITS ARE RUNNING MONOGRAM PICTURES, INCLUDING STANDARD, SOUTHWEST THEATRES, RALPH TALBOT THEATRES, ETC.

MONOGRAM PICTURES CORPORATION

702 1/2 WEST GRAND AVE., OKLAHOMA CITY, OKLAHOMA

PITTSBURGH MONOGRAMMERS ARE
PROUD TO BE ASSOCIATED WITH

W. RAY JOHNSTON

on his

SILVER JUBILEE ANNIVERSARY

MONOGRAM PICTURES, INC.

86 VAN BRAAM STREET, PITTSBURGH, PA.

BEN WELANSKY, president

MARK GOLDMAN, manager

Texas Salutes W. Ray Johnston on his 25th Anniversary

Over 510 Texas Theatres play Monogram pictures, which is a direct tribute to Mr. Johnston's fairness and leadership, and to Monogram's pictures!

Since Monogram's reentry into production and distribution in 1937, never before in exhibition history in Texas has any company grown so fast.

Texas accounts include Interstate Circuit, Robb & Rowley Circuit, Jefferson Amusement Company, Griffith Circuit, and other leading circuits and independent theatres.

MONOGRAM PICTURES, INC.

Texas Franchise Holders for Monogram:
ED BLUMENTHAL and JOHN L. FRANCONI

"Proud to Be Part of Your Organization"

W. RAY JOHNSTON

Congratulations from

MONOGRAM PICTURES DISTRIBUTING CO.

2071 Broadway
Denver, Colo.

254 E. First South St.
Salt Lake City, Utah

LON T. FIDLER, Pres.

W. RAY JOHNSTON
SILVER JUBILEE YEAR

WE HOPE WE'RE STILL ASSOCIATED WITH

W. RAY JOHNSTON

IN

1964

ON HIS GOLDEN JUBILEE

•

MONOGRAM PICTURES, INC.

3212 Olive Street, St. Louis, Mo.

ROBERT TAYLOR, Mgr.

FROM DIXIELAND, SUH!

To your health and prosperity, suh!
(With a sparkling Dixie mint julep, suh!)

TO COLONEL W. RAY JOHNSTON

Your boys from the

GONE WITH THE WIND COUNTRY SALUTE YOU, SUH!

The Southern contingent from way down South, in the land of cotton, have the honor of joining the rest of the world, in their sincere congratulations, suh!

MONOGRAM SOUTHERN EXCHANGES, INC.

JOHN W. MANGHAM, Pres.

CHARLOTTE, N. C.	ATLANTA, GA.	MEMPHIS, TENN.	NEW ORLEANS, LA,
W. G. Carmichael	P. H. Savin	M. E. Wiman	J. Harry Spann
Will Osborne	Fred Mathis	Joe Jones	M. L. Stevens
J. C. McLeroy	Randall Bryan	Harvey Rudisell	Buford Styles
O. L. Barnett	Bill Collins		

W. RAY JOHNSTON
SILVER JUBILEE YEAR

WHAT MONOGRAM PROMISES, MONOGRAM DELIVERS

★

Who Is Responsible for This Splendid Performance?

W. RAY JOHNSTON

In all his twenty-five years in this industry, he has never once violated the confidence of a single exhibitor or business associate.

MONOGRAM PICTURES, INC.

BEN WELANSKY, Pres.

STEVE BROIDY, Mgr.
39 Church St.
Boston, Mass.

PHIL SHERMAN
Film Bldg.
New Haven, Conn.

MONOGRAM
FILM EXCHANGES

Of Upper New York

Extend Greetings

to

W. RAY JOHNSTON

HARRY BERKSON, Pres.

Buffalo Albany

THE MIDDLE WEST
JOINS THE ENTIRE U. S. A.
IN SALUTING

W. RAY JOHNSTON

on his
25th ANNIVERSARY

•

Monogram Film Dist. Co.
F. E. Judd, Pres.
515 Tenth St.
Des Moines
Iowa

Monogram Pictures Corp.
Ben Nathanson, Pres.
35 Glenwood Ave.
Minneapolis
Minnesota

W. RAY JOHNSTON
SILVER JUBILEE YEAR

Kansas City Casts Its Vote of Loyalty for

W. RAY JOHNSTON

On His

25th ANNIVERSARY

•

MONOGRAM FILM DIST., INC.
LESTER DURLAND, Mgr.
130 WEST 18th STREET
KANSAS CITY, MO.

MONOGRAM-MIDWEST FILM COMPANY
1030 N. EIGHTH STREET
MILWAUKEE, WISCONSIN

Felicitates

W. RAY JOHNSTON

ON HIS SILVER JUBILEE ANNIVERSARY

•

AND WE HOPE WE'RE WITH YOU TO CELEBRATE YOUR GOLDEN ANNIVERSARY

C. W. TRAMPE
President

MONOGRAM PICTURES OF DETROIT JOINS THE ENTIRE FILM INDUSTRY IN CONGRATULATING

W. RAY JOHNSTON

ON 25 YEARS OF SERVICE TO EXHIBITORS

•

MONOGRAM PICTURES, Inc.
2310 CASS AVENUE
DETROIT, MICHIGAN
WILLIAM HURLBUT - president
M. HARLAN STARR - manager

FORWARD—

WITH W. RAY JOHNSTON FOR 25 MORE YEARS OF PROGRESS!

MONOGRAM PICTURES OF CALIFORNIA
and
MONOGRAM PICTURES
of
THE NORTHWEST, INC.
HOWARD STUBBINS, Pres.
Operating Offices in
LOS ANGELES SAN FRANCISCO
PORTLAND SEATTLE

W. RAY JOHNSTON
SILVER JUBILEE YEAR

TRIBUTE TO JOHNSTON CAREER

Associates and other industry figures pay homage on silver jubilee

WILL H. HAYS:

"During W. Ray Johnston's 25 years in motion pictures, the screen has, indeed, progressed far.

"When he started in 1914 there were those who scoffed and said that the 'flickers' were a passing fancy.

"We can smile now at their direful predictions. But why were those predictions so wrong?

"Motion pictures have developed into the world's most popular entertainment medium because those who gave them life were men of vision, of courage, of wisdom, of talent. The principal ingredient in pictures is people.

"The men and women who do the day-by-day work of the movies are carrying forward this great tradition.

"There is the reason for the screen's progress.

"Ray Johnston belongs to that group which has contributed much to this advancement.

"All in the industry are happy to salute him on this Twenty-fifth Anniversary."

●

SOL A. ROSENBLATT:

"I know of no man in the motion picture industry who in the conduct of a substantial company enjoys so much as does Mr. Johnston the good will of all with whom he comes into contact. He represents the efficient company in a large field of activity, competing fairly with all, delivering first-rate product, punctilious in satisfying the demands of the exhibitors and the public. He is a credit to fair dealing and is the epitome of honorable business relationships."

●

ED KUYKENDALL:

"W. Ray Johnston's 25 years of constructive activity in the motion picture industry reflect credit upon Mr. Johnston and the entire motion picture industry. A fine character, endowed by nature with a fine personality, he has brought credit to the industry through his many activities among those outside the industry as well as within. Fair and frank in his business relations, he is beloved by exhibitors everywhere."

Boris Karloff:

"James Lee Wong sends celestial greetings to W. Ray Johnston on his Silver Jubilee, and Boris Karloff thanks him for the opportunity to be Mr. Wong, Detective. For I certainly do enjoy playing Wong, not only because the character interests me intensely, but also because all the Monogrammers have been so congenial to work with. . . . A long life to Wong, and to you, Ray Johnston!"

●

C. C. PETTIJOHN:

"So Ray Johnston has been 25 years in the business. Let's see, that means he started back in 1914. *The figures can't be right. Nobody with his tireless energy, his zest for life, his keen enthusiasm, is that old.*

"But suppose the figures are correct. Then Ray's career has paralleled the career of the industry itself. He is of that group which has been responsible for the growth and development of this business from humble status into the greatest medium of universal entertainment the world has ever known.

"He can be proud of his contributions to this progress.

"We are all proud of him. It is because of fellows such as Ray Johnston that motion pictures have come to their present high state. With men such as Ray Johnston to help guide and lead, the future is secure."

●

J. ROBERT RUBIN:

"Congratulations to W. Ray Johnston on his Silver Anniversary in the motion picture business. He has worthily participated in the progress of our industry through the 25 years of his activity in its development."

●

GEORGE J. SCHAEFER:

"It is indeed a pleasure to send congratulations, through Motion Picture Daily, *to W. Ray Johnston on the occasion of the celebration of his 25th anniversary in the motion picture industry. Although still an extremely young man, Mr. Johnston is a veteran of our business with a solid understanding of its every phase. He has long been recognized by exhibitors and the trade in general as an outstanding figure in independent production and distribution."*

R. B. WILBY:

"I am especially glad that there is a special issue of Motion Picture Daily commemorating the 25th anniversary of W. Ray Johnston's connection with this industry.

"What a fortune teller one would have been who could have told that that Thanhouser actor of a quarter of a century ago would some day be so honored!

"But excluding the acting, he has been a fine asset to the industry. I hope, again excluding the acting, that he will be around for another 25 years doing just as good work."

●

JACK COHN:

"Ray Johnston deserves congratulations, not only for the fact that the industry is celebrating his 25th anniversary of his association with motion pictures, but because, throughout all those years, he has been steadfast in his determination to maintain his integrity and position as an important film executive.

"Those of us who know Ray Johnston, as a friend and as an important figure in the film world, are agreed that he has done much to make motion pictures important to all of us. And because he is deserving of the best, I am proud to join all the others in the film world in wishing Ray Johnston good luck —and many times 25 *years of continued success in motion pictures!"*

●

LOUIS NIZER:

"Independent production and distribution tests the highest qualities of an executive. Aggressiveness must overcome uncertainty of market. Energy must overcome handicap. Ordinarily therefore, one encounters in this field high-tensioned belligerent men hardened by conflict.

"The exception is the paradoxical figure of W. Ray Johnston—solid, silent, patient, soft-spoken, unaffectedly dignified, sound, gracious and unhurriedly efficient. These qualities merge into one impression—integrity. This is the stamp of his character—integrity.

"From intimate acquaintance with him and his problems over a period of 10 years, through adversity as well as success, I attest to his complete sense of honor in obligation, word and performance. The motion picture industry is wealthier because it owns the personality of W. Ray Johnston. I extend to him congratulations wrapped in admiration and respect."

Jackie Cooper:

"I want to take advantage of Mr. Johnston's Silver Jubilee to thank him and Monogram for two swell pictures and for the fun of making them. . . . Sincere congratulations to W. Ray Johnston on his 25th year in the motion picture business. I only hope that some day I'll be able to celebrate the same kind of an anniversary."

●

W. J. GELL:

"It gives me particular pleasure to add my note of congratulations and good wishes to the many that Ray deserves and is bound to receive on the occasion of the 25th anniversary of his association with the motion picture industry. That Ray deserves all the success he has achieved will not be disputed. . . . I have never met a more sincere and honorable individual in the whole of the industry during the time I have been connected with it. . . . All those associated with Ray are justified in feeling every sense of pride at having a leader whose qualities as a business man and as a human being are so sterling.

"I cannot recall an occasion when I have felt so delighted at being able to congratulate anyone as on this occasion. I hope Ray will live to celebrate many more 25th anniversaries."

●

ABE MONTAGUE:

"It seems that I have known Ray Johnston for practically all these 25 years as I happen to be one who had the opportunity of doing business with Ray back in the old state rights days when McConville and Montague operated a states rights exchange in New England. Ray, then as now, played the game only one way and that was probably as honorable a way as ever a man could play it.

"I appreciate the opportunity that the pages of Motion Picture Daily are giving me at this time to wish

[*Continued on next page*]

MONOGRAM STAR



JOHN CARROLL

MONOGRAM STAR



ANNE NAGEL

JOHNSTON'S CAREER IS LAUDED

[*Continued from preceding page*]
an old friend a lot of success in his every endeavor in the future, and good health for many years so that he may continue in his chosen vocation a fine, honorable and outstanding personality."

JOHN H. HARRIS:

"My sincerest congratulations to him on the celebration of his 25th year in the movie industry. It is because of leadership by men of Ray Johnston's calibre that our industry has grown to its tremendous and powerful position in the world of today. He has always been a leader and in the right direction. He is a definite asset to any business and we are better for having him with us. It was a lucky day for the industry when he decided to make the picture business his life's work. May I speak a little selfish wish, 'That he stay in the business to celebrate at least his 50th year'."

M. J. MULLIN:

"W. Ray Johnston has been one of the guiding lights in our great industry that owes such a monumental debt to pioneers of his foresight and genius."

DR. A. H. GIANNINI:

"Ray Johnston is not only an energetic and efficient administrator who has attained distinction in the motion picture industry, but above all he is a 'square shooter.' His gracious and generous personality has endeared him to all of us."

W. J. GERMAN:

"I think it is a grand thing that Motion Picture Daily is taking due recognition of Ray Johnston's 25th anniversary in the motion picture industry.

"I do not know of any man in the motion picture field who is more entitled to such recognition.

"It has been my privilege to have known Ray since 1921, both personally and in a business way, and it has been a pleasure to be connected with an industry which produces such men as Ray Johnston.

"I know of no one who is more highly regarded as a friend and a business associate."

P. S. HARRISON:

"In my opinion Ray Johnston has rendered an inestimable service to the independents, exhibitors as well as distributors. But for his liberal principles, which have earned him the high esteem of the independent exhibitors, there would have been no production of pictures by independent producers today."

J. MYER SCHINE:

"It is with genuine pleasure that I learn W. Ray Johnston is to be honored on his 25th anniversary in the motion picture industry.

"During approximately the same period, we have been busy building an independent circuit of theatres and thoroughly appreciate the important part he has played as a key figure in independent production and distribution.

"His vision and courage, and his splendid reputation for fair dealing, have played no small part in his success and we are proud to be associated with him in the same industry."

E. M. LOEW:

"Congratulations on your Silver Jubilee and your contribution to the industry for the past 25 years. Best wishes for continued success."

R. J. O'DONNELL:

"Mr. Hoblitzelle joins me in extending to you our congratulations, best wishes and thanks for your outstanding contribution to the motion picture industry over a 25-year period. Few so richly deserve the hundreds of greetings and salutations which you will receive."

SOL E. GORDON:

"Just a line from an old friend and customer who congratulates you on your contribution to the advancement of the picture world on this, your 25th anniversary in the industry."

JACK ALICOATE:

"Our felicitations to the genial W. Ray Johnston, for his 25 years' association with motion pictures.

"In the independent field, of which he has been a leader of both production and distribution, the road has not always been easy. His record is an open book, and, by their deeds ye shall know them.

"The leaders of our industry, from its first pioneering days to the present time, cannot be listed without the name of W. Ray Johnston.

"Again, congratulation to him and to Quigley Publications in honoring him on this occasion."

B. E. HOFFMAN:

"Congratulations on your twenty-fifth anniversary in the film business. May you continue to add as you have in the past to the progress of the film industry."

PHIL BEDER:

"Congratulations on your silver anniversary. Best wishes for your continued success. Good health and good luck to you."

AND FROM ABROAD:

"Congratulations on your silver anniversary with the moving picture industry. Convinced that your capable and dignified direction will assure Monogram Pictures a future full of artistic and commercial success."—*Enrique Gil, Distributor General "Film," Buenos Aires, Argentina.*

"Enthusiastic congratulations for you and Monogram. Always forward."—*Hermanos Meardi, San Salvador, Salvador.*

"Twenty-five years of cinema activity guarantee Monogram progress and entitle you to due admiration, affection, respect."—*Dr. D. Narvaez and F. Veracoechea, Cinematografica Caracas, Venezuela.*

"Please accept our regards and assurance of our friendship. Congratulations."—*Eduardo Laverdi, Cia Distribuidora Films, Bogota, Colombia.*

"Congratulations to W. Ray Johnston whose competitors continue praising him after 25 years in the film industry."—*Lynn Yost, Cristobal, Panama.*

"To Mr. Johnston on the 25th anniversary in the motion picture industry. We wish to express to you our sincere congratulations for the evident contribution to cinematography and specially for the development of Monogram Picture Corporation, which under your wise and effective direction is making extraordinary and firm progress, helping to a closer cooperation."—*Adriano Pecchio, Cuba Commercial Film Co. S.A., Havana, Cuba.*

"My heartiest congratulations and compliments to you and Monogram."—*Lund Promoto, Malmo, Sweden.*

"My congratulations on your Silver Jubilee year."—*J. Liceaga, Monogram, Mexico City.*

"Heartiest congratulations to your 25 years. Magnificent achievements in our industry. Always proud and confident of your leadership and of Monogram's continued forward march. Send you my heartiest good wishes for the future."—*Ernest Wettstein, Paris.*

"You have achieved for Monogram an envious record for quality pictures in record time. Manila congratulates and wishes your continued success."—*Mofilex, Manila.*

"Heartiest congratulations on your 25-year Jubilee. Expressing admiration your brilliant leadership. Best wishes for future and everlasting attachment to Monogram."—*Gabriel Talhami, Societe Talhami Bros., Cairo, Egypt.*

"Best wishes for the next 25 years." *Monopole Films, Rotterdam, Holland.*

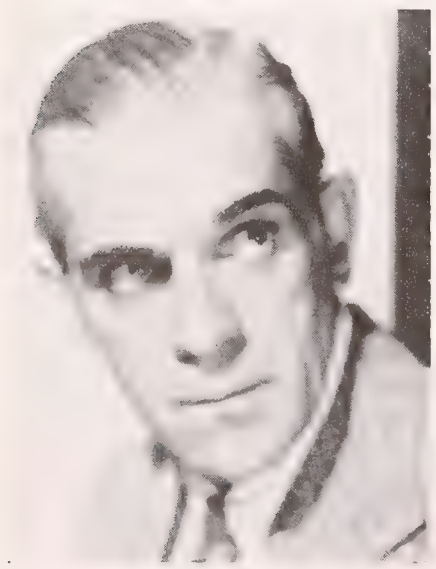
"Heartiest congratulations on your Silver Jubilee in motion picture business. Have every confidence future of Monogram under your able leadership."—*South Africa Commercial and Education Film Services Pty., Ltd., Johannesburg, South Africa.*

"Best wishes, President Johnston."—*Jakob Puszet, Warsaw, Poland.*

"Go Western"

W. Ray Johnston accepted Horace Greeley's advice, "Go West, Young Man," early in his executive film career and produced a wide selection of western films, starring outdoor personalities. It was Johnston's conviction, early in his career, that there was a definite demand for action films of the great west, which could be sold on the popularity of its stars. Among the stalwarts who galloped to fame under the Johnston helm are Tom Tyler, Bill Cody, Bob Steele, Rex Bell, John Wayne, Bob Custer, Tom Keene, Tim McCoy, Jack Randall and Tex Ritter.

MONOGRAM STAR



BORIS KARLOFF

MONOGRAM STAR



FAY WRAY

1914 • 1939

My Sombrero's Off to You . . .

W. RAY JOHNSTON

ON THE CELEBRATION OF A QUARTER
OF A CENTURY OF ACHIEVEMENT

TEX RITTER

Starring in 8 Musical Westerns :: Released by Monogram

Exhibitors rank this singing melody man of the west among the ten top-ranking cowboy stars!

PRODUCED BY

EDWARD FINNEY

TO MY FRIEND

W. RAY JOHNSTON

Hearty Congratulations on your Silver Jubilee. You have my sincere wishes for many more years of prosperity and success.

SAM WOLF

Attorney-at-Law
LOS ANGELES

W. RAY JOHNSTON
SILVER JUBILEE YEAR

Agfa

Motion Picture Film

Made by

AGFA ANSCO CORPORATION

in Binghamton, New York

•

Distributed by

AGFA RAW FILM CORPORATION

6424 Santa Monica Blvd., Hollywood, Calif.

Best wishes to

W. RAY JOHNSTON

on his 25th Anniversary

•

MILTER PRESS, INC.

WALTER PALASE MILTON HOLZWEIG

245 SEVENTH AVENUE

NEW YORK, N. Y.

W. RAY JOHNSTON
SILVER JUBILEE YEAR

Greetings to Monogram
and best wishes to

W. RAY JOHNSTON

on his Silver Jubilee

•

Super-Quality Co., Inc.
STEREOTYPES AND MATRICES
HARRY SCHILT, Treasurer
318 East 23rd Street
New York, N. Y.

Here's to the next
25, Ray

HAROLD J. FLAVIN

HORLACHER
DELIVERY SERVICE, INC.
Philadelphia - New York - Washington - Baltimore

AND THE

CLARK
FILM DISTRIBUTORS, INC.
Philadelphia, Pa. - Washington, D. C.

EXTEND TO

W. RAY JOHNSTON
PRESIDENT, MONOGRAM PICTURES CORP.

FELICITATIONS ON HIS
TWENTY-FIFTH ANNIVERSARY
--HEALTH and HAPPINESS--

JAMES P. CLARK, *Pres.*

from

Your Lithographer

SPURGEON TUCKER

52 East 19th Street
New York, N. Y.

We are happy to join with W. Ray Johnston's friends to mark his twenty-five years of grand service to the motion picture industry.

GLEN GLENN

HARRY ECKLES

GLEN GLENN SOUND CO.
TALISMAN STUDIO - - HOLLYWOOD

To

W. RAY JOHNSTON

As the 16 mm. non-theatrical member of your family, we are happy to join your many friends in saying

"Sincere wishes for continued success"

•

WALTER O. GUTLOHN, Inc.
35 WEST 45th STREET
NEW YORK, N. Y.
(Monogram's 16 mm. non-theatrical distributors)

Best Wishes

from

FLOWERS
PHOTO-ENGRAVING CORP.
HARRY FLOWERS, President
235 EAST 45th STREET
NEW YORK

Sincere Best Wishes

to

W. RAY JOHNSTON

on his

SILVER JUBILEE
ANNIVERSARY

JACK SNYDER

W. RAY JOHNSTON
SILVER JUBILEE YEAR

Best Wishes to

W. RAY JOHNSTON

• • • on the completion
of 25 years of splendid
service to motion pictures

•

WESTERN COSTUME CO.
HOLLYWOOD
J. I. SCHNITZER, President

Best Wishes to

W. RAY JOHNSTON

on his

SILVER
ANNIVERSARY

Pacific
"EVERYTHING IN TITLES"
TITLE & ART STUDIO
LEON SCHLESINGER, PRES.
Est. 1918
1133 NO. BRONSON AVE. JUST NORTH OF SANTA MONICA BLVD.
HOLLYWOOD, CALIF.

Anniversary Greetings

to

MONOGRAM

and

W. RAY JOHNSTON

Screenless Colortone Corp.
MORRIS GOLDSTEIN
30 Main Street Brooklyn, N. Y.

CONGRATULATIONS

TO

W. RAY JOHNSTON

ON HIS

SILVER JUBILEE

MAY HIS SUCCESS CONTINUE

•

JOHN F. MEEHAN, Manager
TALISMAN STUDIOS

W. RAY JOHNSTON
SILVER JUBILEE YEAR

Current

MONOGRAM

Releases



BORIS KARLOFF

as

Detective James Lee Wong in

"The MYSTERY of Mr. WONG"

Directed by **WILLIAM NIGH**

Screenplay by **SCOTT DARLING**

Based on the Collier's Magazine story by **Hugh Wiley**



FAY WRAY

in

"NAVY SECRETS"

Directed by **HOWARD BRETHERTON**

Screenplay by **HARVEY GATES**

From the original Cosmopolitan Magazine story by **Steve Fisher**



RALPH BELLAMY

in

"LITTLE PAL"

Former Title
"The HEALER"

with

MICKEY ROONEY

Directed by **REGINALD BARKER**

Adaptation by **JAMES KNOX MILLEN** and **JOHN GOODRICH**

Continuity by **GEORGE WAGGNER**

Suggested by the novel by **ROBERT HERRICK**



JACKIE COOPER

in

"STREETS OF NEW YORK"

Screenplay by **ROBERT ANDREWS**



1914 1939

W. RAY JOHNSTON

Celebrates 25 Years of Service to the Showmen of America

SILVER JUBILEE YEAR

YEAR BY YEAR DISTRIBUTION ACHIEVEMENTS OF THIS PRODUCER-DISTRIBUTOR

1914	MILLION DOLLAR MYSTERY *JAMES CRUZE*	1922	TEN NIGHTS IN A BARROOM *JOHN LOWELL*	1930	WORLDLY GOODS *LILA LEE*
1915	BEATING BACK *AL JENNINGS*	1923	MAN AND WIFE *NORMA SHEARER*	1931	MOTHER AND SON *CLARA KIMBALL YOUNG*
1916	SILAS MARNER *JEANNE EAGELS*	1924	EASY MONEY *MARY CARR*	1932	THE THIRTEENTH GUEST *GINGER ROGERS*
1917	THE DEEMSTER *DERWENT HALL CAINE*	1925	FLAME FIGHTER *HERBERT RAWLINSON*	1933	SWEETHEART OF SIGMA CHI *MARY CARLISLE*
1918	THE MASKED RIDER *HARRY MYERS*	1926	SCOTTY OF THE SCOUTS *BEN ALEXANDER*	1934	JANE EYRE *VIRGINIA BRUCE*
1919	LIGHTNING BRYCE *JACK HOXIE*	1927	SHANGHAI ROSE *IRENE RICH*	1935	THE HEALER *RALPH BELLAMY*
1920	BEFORE THE WHITE MAN CAME *ALL INDIAN CAST*	1928	CASEY JONES *RALPH LEWIS*	1936	THE HARVESTER *ANN RUTHERFORD*
1921	THE GOLDEN TRAIL *JANE NOVAK*	1929	PHANTOM IN THE HOUSE *RICARDO CORTEZ*	1937	HOOSIER SCHOOLBOY *MICKEY ROONEY*

1938 GANGSTER'S BOY
JACKIE COOPER

MONOGRAM COVERS THE WORLD MARKET

BY NORTON V. RITCHEY
General Foreign Manager

During the brief existence of the new Monogram it has made remarkable strides towards spreading its product throughout the important markets of the world.

Monogram's distribution in England, Ireland, Scotland and Wales is handled entirely by Pathe Pictures, Ltd., under the direction of W. J. Gell. Pathe's distributing organization, with nine branches in the United Kingdom, is recognized as the outstanding British sales setup in that territory. It produces ample British product to cover the quota requirements for the Monogram program. Pathe, being associated with Associated British Pictures Corp., headed by John Maxwell, is in a unique position to obtain the best possible playing time in Britain's leading circuit, which includes nearly 500 theatres, all under the direction of Maxwell. During the past season the Jackie Cooper picture, "Boy of the Streets," has proved to be one of the outstanding grossers in the United Kingdom.

On the Continent

Through its Paris office Monogram has established important distribution outlets through all of the continental countries which remain open at this time for trade. No attempt has been made to do business with the various central European powers for obvious reasons. Business in Belgium and Holland is flourishing. The Scandinavian countries are turning in an excellent revenue. Sweden is making the best showing at the present time, but Denmark, Norway and even Finland are carrying their share.

The Near Eastern territories of Egypt, Syria, and Palestine have shown satisfactory results during the past year and Monogram is looking for considerably increased revenue for the 1939 season from these markets.

Because of unsettled conditions in Asia, very little has been done by Monogram during the past year, but it is looking for an improvement in the general conditions which will warrant their actively entering these markets.

In the Philippine Islands Monogram Film Exchange of Manila was organized in October of last year and Monogram's 1937-'38—1938-'39 programs will be released there before the close of the present year. Manila's releasing schedule covers seven Monogram productions each month. In other words, they are releasing between 84 and 90 pictures in 12 months.

In Australia and New Zealand all distribution of the Monogram product is in the hands of British Empire Films Pty., Ltd. In Australia and Tasmania operations are handled by Gordon Ellis, while in the New Zealand territory R. Lyall Grant has charge. Monogram's Jackie Cooper pictures are particularly well received in the Australia and New Zealand markets and in fact the entire program is doing a very satisfactory business there.

South America Covered

In South America, Central America, and all the islands of the West Indies, Monogram has established 100 per cent distribution. In fact, there is not a single country south of the Rio Grande which is not playing Monogram productions. The most recent acquisition to the fast growing Monogram family of Latin American distributors is Peru. This was the only open territory until recently, when one of the outstanding film figures of Lima closed a contract with Monogram. Particular efforts are being made to develop our business throughout the Latin American republics and a big year is being anticipated for 1939 in this great market.

All the world loves and understands stories such as "Boy of the Streets," "Gangster's Boy" with Jackie Cooper, and "Barefoot Boy" with Jackie Moran. A circus story such as "Under the Big Top" has a ready market in every country. A romantic action melodrama such as "Rose of the Rio Grande" starring Movita and John Carroll is excellent for the South American countries.

All in all, Monogram is as well known in foreign lands as it is in this country and its business is increasing in a most satisfactory manner wherever American pictures are shown.

Scott Dunlap Theatre-Born

Scott Dunlap, genial vice-president in charge of production at Monogram, and boss of the studios in Hollywood, grew up in the theatre, and a love of show business is in his blood.

Scotty's father was the financial backer of the McCall Opera Company, which produced almost all of the Gilbert and Sullivan Operas. When young Scott evinced a talent for the theatre, his father let him be an actor, and the boy played with many famous stage stars. He spent several seasons in vaudeville, and then in 1915 came to Hollywood and the motion picture business as an actor.

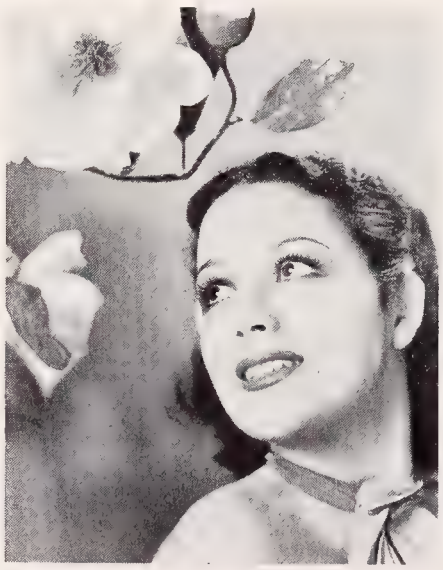
From acting Dunlap went into assistant directing, and finally in 1918 joined Fox as a full fledged director. He directed also for Pathe and Universal, such pictures as "Object Alimony," "Hell Ship" and "One Stolen Night."

Leaving Fox in 1928, Scotty became a talent agent, and later became associated with Frank & Dunlap as partner in the agency business.

When the new Monogram was organized in 1937, Scott Dunlap joined W. Ray Johnston to become vice-president in charge of production for the new company.



JACK RANDALL
MONOGRAM STAR



MOVITA
MONOGRAM STAR



JOHN TRENT
MONOGRAM STAR

Candid Shots Of Johnston

He'd rather fly on his trips all over the country . . . he's too long to be comfortable in a train berth.

•

He owns a parrot by the name of Polly Boo Boo . . . his white collie dog is Beauty.

•

Although a chain cigarette smoker, he never inhales and refuses to smoke on Sundays . . . to give his throat a break, he says.

•

He hates moving . . . always arranges to be out of town. Took a trip to New England when he moved his home from New York to Larchmont. . . . Was in California both times his offices were moved, from 723 Seventh Ave. to Radio City and again when they were moved from the 20th to the 23rd floor.

•

Is a pencil chewer . . . flute fashion.

•

Although connected with the industry most allied with superstition for 25 years, he himself is superstitious about nothing.

•

His dietary weakness is candy.

•

He was valedictorian of his class on graduation from Janesville High School in Iowa . . . he still retains his certificate. But it must have been too much for him, for ever since he has had an aversion to speeches.

•

Although he has a natural wave in his hair, he insists upon his barber cropping it close so the wave won't show.

•

He loves to nibble on pop corn and drink milk . . . claims it's a hangover from his youth in the corn belt of Iowa.

•

Always insists upon driving his own car. When out-of-town visitors are shown the city, he leaves the chauffeur at home.

•

Figures that his eye glasses cost him $200 a year. He breaks or loses them on an average of once a month.

•

Is one of biggest men in motion picture industry . . . six feet, six inches in stocking feet and hat on.

•

Is never without a radio, taking a portable set with him on his various trips around the country.

Control of Censor Again Debated in House of Commons

LONDON, Feb. 1.—Question of Government censorship again was raised in the House of Commons yesterday by Geoffrey Mander, who questioned the Volume Secretary on the relations between the British Board of Films Censors and the Home Office.

The Home Secretary denied that the Government department exercised any control, either direct or indirect. However, he admitted the censor board does ask guidance from his department when the censor is in doubt or difficulty, but declared that such action seldom was necessary.

Ohio Bill Would End Film Censor

COLUMBUS, Feb. 1. — Following closely on the introduction of a bill in the Ohio legislature by Representative Harry J. Dworkin, Cleveland, to curb the power of the censors, prohibit censorship actuated by political influence, and divorce activities of the censors from jurisdiction of the state government, a bill has been introduced by Representative Wilford B. Bixler, Akron, to abolish the state censor board entirely.

The first measure is said to stand some chance of enactment, but the second will not receive serious consideration by the legislature, it is believed.

Para. Holders Charge $25,000,000 Losses

Paramount officers were served during the past few days in a stockholders' action which charges that losses in excess of $25,000,000 were incurred by the company as a result of license agreements entered into with Erpi and from mismanagement of the company during its reorganization and since. The action has not been filed in N. Y. Supreme Court yet.

The complaint alleges acts of mismanagement back to 1926. Plaintiffs, Frank Jablow and Sam Acker, each acquired 300 shares of Paramount stock in November, 1937. Their counsel, Pollock & Nemerov, were attorneys of record in a recent stockholder action against Loew's.

In its present form the complaint names 31 individual defendants, many of whom are either deceased, no longer associated with the company or no longer residents of New York. Paramount Pictures, Inc., Paramount Service Corp., Erpi, Western Electric and A. T. & T. are corporate defendants.

Rosenberg to RKO

OMAHA, Feb. 1.—Joe Rosenberg has left National Screen Service here to join the RKO sales staff, filling the vacancy created by Freddie Horn's departure to G. N. as manager. Mike Roth has taken Rosenberg's position with National Screen.

Showing Foreign Films

PHILADELPHIA, Feb. 1.—Arcadia, independent downtown house, will show occasional foreign films. Abe Sabolosky operates the theatre.

Greetings
To A
Man With A Heart
W. RAY JOHNSTON
On 25 Years of Square-Dealing
●
MONOGRAM PICTURES OF NEBRASKA
1513 Davenport Street
Omaha, Nebraska
L. O. RINGLER, Pres.

Power Taken Off Radio by Zanuck

(*Continued from page* 1)

when they must present something new each week.

"Film companies spend thousands of dollars and months of time preparing for the single appearance on the screen of any one of their stars. By its very nature, radio cannot exercise such care for the protection of a player.

"The screen and radio can continue to help each other when they cooperate for mutual benefit; but the situation today is such that unless stern measures are taken, both must suffer."

The New York office of Lennen & Mitchell, the agency which produces the Tyrone Power series, would not comment on the situation yesterday. Mann Holliner, the agency's director of radio, left instructions with his secretary that he would say nothing on the situation, but that possibly he might today.

All Offer Stars

The network schedules from Hollywood are crammed with programs offering Hollywood players as attractions. On CBS there is "Silver Theatre" with guest players each week (this Sunday Loretta Young); "Gateway to Hollywood," jointly sponsored by RKO studios and the Wrigley Co., which presents a featured film player each week (this Sunday Billie Burke); and the Screen Actors' Guild series. Latter is laden with stars each broadcast, as for instance the program coming up, which will have Bing Crosby, Hugh Herbert and Jane Withers, among others. On Columbia's Sunday schedule also is the Old Gold program with Bob Benchley, and the Ben Bernie program.

The NBC Sunday schedule presents the Jell-o program with Jack Benny, Mary Livingstone, Kenny Baker, Andy Devine; the Chase and Sanborn hour with Don Ameche, Charlie McCarthy, Dorothy Lamour, and prominent Hollywood players in the dramatizations; and "The Circle," a new series which presents Ronald Colman, Cary Grant, the Marx Brothers, Carole Lombard.

Board Setup Is Due In 2 to 3 Months

(*Continued from page* 1)

the principle of arbitration of all industrial disputes," Myers said. "That principle has been embodied, in principle, in the distributors' proposals. By invitation of the distributors' general counsel, I am attempting a revision of the proposals, including the principles and mechanics of arbitration."

DALLAS, Feb. 1.—Allied States opposes conciliation, which is favored by the M. P. T. O. A., and will wait until an agreement is definitely reached before consenting to the setting up of any boards, Col. H. A. Cole, Allied president, said here today.

"We will not consent to intangible boards without force or functions clearly defined," Col. Cole declared. "We want no conciliation and don't know the meaning of the word after having tried it for 10 years and getting nowhere."

New High Set Abroad by UA —Silverstone

HOLLYWOOD, Feb. 1.—United Artists in 1938 had the greatest foreign gross receipts in its history, Maurice Silverstone revealed today. The first compilation of figures, Silverstone said, showed that 50 per cent of the company's entire revenue came from abroad, this in spite of foreign market restrictions on American films.

Silverstone, who is staying here until next week to talk to John Hay Whitney of Selznick International, who arrived yesterday, concerning a possible future deal for release continuation of the latter's product, said that the reason for the foreign gross increase of U. A. was its quality pictures.

"Despite restrictions placed on American films in foreign markets," said Silverstone, "the great increase of U. A. grosses is a tribute to U.A.'s quality policy. Ordinary American pictures are being shut out by quota laws. Take England, for instance. Before quota restrictions American pictures had 95 per cent of the playing time. Now with American pictures getting about 71 per cent of the playing time, time allowed formerly to ordinary American pictures goes to good British pictures. With a material increase in U. A. product quality for the 20th anniversary year we expect even greater grosses."

SAG to Seek Rise For Certain Extras

(*Continued from page* 1)

ability of cards among the various units in the 4-A's had waned somewhat in the face of technical difficulties in working out a plan. "If a union is too large," said Thomson, "there is sometimes a danger that democratic control of union affairs goes from the membership to the paid officials. Membership meetings on a nationwide scale are difficult to arrange." Complete interchangeability of cards would result in a serious loss of revenue which could not be offset by economies. If a higher dues schedule were set up for all, it would penalize actors, like film extras, who have no intention of going into radio, legitimate stage or other fields.

In Los Angeles, however, the unions will move into quarters now occupied by the S.A.G. where there is room for them. It is expected that savings will be made in rent, clerical salaries and accounting services. Actors will not be compelled to travel from office to office to pay their dues when they are employed in more than one field.

Universal Sessions Recess Until March

HOLLYWOOD, Feb. 1.—The series of conferences between Universal home office executives and studio heads will suspend temporarily Friday with the departure of W. A. Scully, general sales manager, for Honolulu. Scully will return in March to open new sessions on the 1939-'40 program with Nate J. Blumberg, company president.

RKO RADIO IS GOIN

GUN
SETS T

NEXT BIG SHOW . . .
IRENE DUNNE ★ CHARLES BOYER
IN A GREAT
LEO McCAREY PRODUCTION,
"LOVE AFFAIR"

R K O
RADIO
PICTURES

PLACES!

...and

GA DIN
HE PACE!

Second week at Radio City looks bigger than the first which, with record cold and blinding rain and snow, swept "Gunga" into that coveted "over $100,000" top money class . . . Los Angeles Hillstreet and Pantages went to all-time money-record . . . WATCH THAT SECOND WEEK! . . . Miami Beach beat the former record holder, and "Gunga" moved to the Paramount, Miami, for an extended run! . . .

THREE HOLDOVERS THAT TELL THE STORY!

BOX-OFFICE POWER THAT THE IN-DUSTRY HASN'T SEEN IN MONTHS

NBC Billings for Jan. $4,033,900, Setting New Mark

Establishing an all-time high for a single month, NBC gross revenue for time sales during January amounted to $4,033,900. It marks the first time in the network's history that a $4,000,000 month has been achieved. The previous high was recorded last November, when the monthly billings totaled $3,898,919.

The gain over January, 1938, when the billings amounted to $3,793,516, is 6.3 per cent. The Red network accounted for $3,035,511 of the month's total, with the Blue contributing $998,389.

Bill in Del. Would Restrict Trailers

WILMINGTON, Feb. 1.—Under a bill introduced in the Delaware state legislature here, it would be unlawful for any theatre to display any advertising, preview or trailer of more than three minutes length unless proper notice is given to patrons. The measure provides that the notice be displayed prominently in the cashier's window, on the billboards in front of the theatre and in all newspaper advertisements.

The bill, offered by State Senator Paul R. Rinard, also would make it unlawful for any theatre to cut into, insert or display any advertisements, preview or trailer in any newsreel. Fines of $50 for a first offense and $100 for a second are provided in the bill.

$270,000 Tippett Suit Filed by Universal

Universal Pictures Co., Inc., yesterday filed suit in N. Y. Supreme Court for $270,000 damages and an accounting against John D. Tippett and Eugene T. Tippett, charging a "fraudulent plan" between the defendants and Carl Laemmle, former president of Universal, to split commissions on contracts for the sale of film raw stock to Universal. Argument of an application by the defendants to dismiss the complaint will be heard today by Justice Samuel I. Rosenman.

In a suit for $600,000 damages for breach of contract previously brought by John D. Tippett, Inc., against Universal, Justice Aaron J. Levy, of the N. Y. Supreme Court, yesterday vacated an order which directed John D. Tippett to testify before trial.

Topeka's Admissions Are Slashed Sharply

TOPEKA, KAN., Feb. 1.—First concerted break in film house admission prices in this area has taken place here. One theatre has gone from 40 to 25 cents; two from 25 to 20; two from 20 to 15, and one from 20 to 10 cents.

Cregier Funeral Today

CHICAGO, Feb. 1.—Funeral services for Charles Cregier, inventor of a talking picture device, will be held tomorrow. Son of a former Chicago mayor, Cregier had been in the city's electrical department 42 years.

BBC to Disregard Hitler's Warning

London, Feb. 1.—British Broadcasting Corp. has decided to pay no attention to a warning by Adolph Hitler, who, in his Reichstag speech declared that "if broadcasts sent from certain foreign countries to Germany do not cease we will soon end them." BBC has stated it has no intention of discontinuing its nightly news bulletins in German.

FCC Calendar

WASHINGTON, Feb. 1. — Federal Communications Commission has set Feb. 9 as the date for hearings on the applications of WSEI, Pocatello, Idaho, for change of frequency from 900 to 600 kilocycles and increase of night power from 250 to 1,000 watts, and KPAC, Port Arthur, Tex., for change of frequency from 1,260 to 1,220 kilocycles and extension of time from day to unlimited.

It was announced also that a hearing would be held March 21 on the application of the Southern Oregon Broadcasting Co. for a new 1,310-kilocycle, 100-watt station at Grants Pass, Ore.

Would Change Frequency

The commission has set Feb. 2 for oral arguments on the applications of KSAL, Salina, Kan., for change of frequency from 1,500 to 1,120 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; WFBR, Baltimore, for a 10- to 100-watt satellite station at Frederick, Md.; KFRO, Longview, Tex., for change of frequency from 1,370 to 1,340 kilocycles, extension of time from day to unlimited and increase of power from 250 to 1,000 watts, and WOMI, Owensboro, Ky., for change of frequency from 1,500 to 1,200 kilocycles, and the contesting applications of Citizens Voice and Air Show and Provo Broadcasting Co., for a 1,200-kilocycle station at Provo, Utah, with 100 watts night, 250 watts day.

The Commission also ordered hearings on the following applications for new broadcasting stations:

Martin K. Calaway and Harry S. Hooper for a 1,420-kilocycle station at Marysville, Cal., with 100 watts night, 250 watts day; Coastal Broadcasting Co. for a 1,500-kilocycle station at Brunswick, Ga., with 100 watts night, 250 watts day; Grant Union High School District for a 1,370-kilocycle, 100-watt daytime station at North Sacramento, Cal., and Thumb Broadcasting Co. for an 880-kilocycle, 1,000-watt daytime station at Brown City, Mich.

Hearings were ordered on the applications of WCOU, Lewiston, Me., for increase of day power from 100 to 250 watts; KGKL, San Angelo, Tex., for increase of night power from 100 to 250 watts; WOC, Davenport, Ia., for authority to move transmitter from Davenport to Bettendorf, Ia., change frequency from 1,370 to 1,390 kilocycles and increase power from 100 watts night, 250 watts day, to 1,000 watts; and WDRC, Hartford, for increase of night power from 1,000 to 5,000 watts.

Syracuse Allied Unit Bans 5-Cent Tickets

SYRACUSE, Feb. 1.—Members of the Syracuse Allied unit eliminated the five-cent admission charge in this city by mutual agreement at a meeting today. A minimum admission price of ten cents was established.

E. Thornton Kelly, state executive secretary, attended the meeting at which among other business transacted was the election of Sidney Grossman as regional secretary. A grievance committee will be elected at the next meeting which will be the Thursday after the third Monday in this month and each month in the future.

Ohio Censor Ordered 51 Deletions in Jan.

COLUMBUS, Feb. 1.—Ohio censors reviewed a total of 621 reels in January, and ordered 51 eliminations. "Professor Mamlock," previously rejected, was approved and passed with certain deletions during the week of Jan. 28.

In December, 494 reels were reviewed and 57 eliminations ordered. Figures for January, 1938, were 451 reels and 24 eliminations.

Hold Services for Schlaifer's Mother

HOLLYWOOD, Feb. 1.—Funeral services for Rebecca Schlaifer, mother of L. J. Schlaifer, western general sales manager for U. A., were held here yesterday. Charles Schlaifer, a grandson, and manager of the U. A. house in San Francisco, attended the services.

Acme Decision Reserved

N. Y. Supreme Court Justice Ferdinand A. Pecora yesterday reserved decision on an application of James F. Reilly, as executive secretary of the League of New York Theatres, for an order directing Michael Atlas and Walter Friedman, doing business as the Acme Theatre Ticket Office, to file a detailed statement of their complaint. They seek to restrain enforcement of the Code for the sale of New York theatre tickets.

Contempt Ruling Put Off

Decision was reserved yesterday by N. Y. Supreme Court Justice Ferdinand A. Pecora on an application of the N. Y. State Labor Relations Board to cite six Long Island theatre operators for contempt in allegedly failing to obey an order of the board to refrain from refusing to hire members of Local 306 of the Moving Picture Machine Operators' Union.

New Broadcasting Firm

ALBANY, Feb. 1.—Corporation papers have been issued to B. L. Berkley, Inc., to carry on a radio broadcasting business. Isaac Clayman, Oscar Fishbach and Charles Klein, 521 Fifth Avenue, New York, are directors.

Radio Union in Mexico

MEXICO CITY, Jan. 29.—Mexican radio performers are organizing a union patterned after those in the U. S. It is the first of its kind in Mexico.

Banner LINES

CUSTOM declarations of film players are receiving scant attention from customs inspectors these days. But what happens to their luggage is quite another story. Edward Everett Horton arrived on the *Champlain* the other day and his luggage was so well inspected that he was four hours overdue in reporting for rehearsal for a radio appearance he was to make (and did) that night. He haggardly told of how the inspectors removed screws and hinges on his travel trunks in search for contraband.

▼

New program popularity ratings which will be released today will show Kate Smith's series enjoying a jump of more than four points—an almost incredible gain. It's the highest rating of any program she has ever been featured in, and incidentally the new score marks the first time she has been able to pass Rudy Vallee's ratings. This fulfills an ambition as old as her air career.

▼

John Royal, NBC vice-president, discussing the AFRA situation with a group of radio scribes the other evening, sidetracked to tell some experiences noted during a hectic strike when he was managing the Hippodrome Theatre in Cleveland. The best anecdote was this:

Saboteurs had been ruining the clothes of patrons by tossing acid at them, and Royal, frantic over paying damages, called the police. A burly cop came to the theatre, assured Royal that his troubles soon would be over, and entered the darkened house to seek out the acid thrower. An hour or so later he emerged with a hole as big as a silver dollar burned in the back of his coat.

▼

Alec Woollcott was approached by a representative of one of the two new radio digest magazines who sought permission to print a talk Woollcott gave on the air. What the owlish-eyed writer told the mag representative when he learned that no payment was to be made for the desired script must be imagined, not told.

Recalled is the time we approached Woollcott to ask his permission to write a first-person article in his name for a radio fan magazine. (It was the editor's idea, not ours). When he heard what we wanted Woollcott pulled out his watch, glared at me and growled that we had just two seconds to "vamoose" his office. We made it in one.

▼

Frank Gallup is the announcer on the CBS script serial "Her Honor, Nancy James." During rehearsal, at the end of a dramatic scene, the script stipulated "Music up and under-Gallup quickly." So the organist burst into the strains of that old larruper "Horses, Horses." What was really called for of course was a few appropriate bars of music from the organist, then immediate reading of a commercial by Gallup.

—JACK BANNER

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 24 NEW YORK, FRIDAY, FEBRUARY 3, 1939 TEN CENTS

NOT REMOVE

Comerford Passes at 71; Rites Monday

Heart Attack Fatal to Industry Pioneer

Michael E. Comerford, founder of the Comerford Circuit and one of the most widely known theatre men in America, died late Wednesday night in Jackson Memorial Hospital, Miami, where he was vacationing with members of his immediate family.



M. E. Comerford

Funeral services will be held at 9:30 A. M., Monday, in St. Peter's Cathedral, Scranton, Pa. The body will arrive in Newark this morning from Miami and will be taken to Scranton at once, where Mr. Comerford resided at 340 Wyoming Ave. for many years.

A solemn high mass of requiem will be celebrated at 10 o'clock in St. Peter's Cathedral. Interment will be in the Comerford Mausoleum in St. Vincent's Cemetery at Plymouth, Pa., near here. Bishop William J. Hafey, head of the Scranton Roman Catholic Diocese, of which Comerford was an outstanding layman and a leading philanthropist, will pontificate at the mass.

Comerford was 71 years old. He was taken ill about a week ago in

(*Continued on page* 5)

Rodgers to Take Up Work on Trade Pact

William F. Rodgers, M-G-M general sales manager, returned yesterday from Florida. He was gone about three weeks. Early next week he plans to resume work on the proposed trade practice program, which is being revised by distributors' counsel and Abram F. Myers, general counsel of Allied.

Boyer to Replace Power

Charles Boyer will replace Tyrone Power in the Jergens-Woodbury "Hollywood Playhouse" series following Power's farewell appearance in the program this Sunday.

Is Awarded $25,000 For Fall in Strand

Pushed by a jostling crowd of theatre patrons, Philemina De Salvo tumbled over a 32-inch railing on the mezzanine of the Strand to the orchestra floor. Yesterday, a N. Y. Supreme Court jury awarded her $25,000 in damages against the Stanley Mark Strand Corp. after a four-day trial. Justice John E. McGeehan reserved decision on a defense motion to set aside the verdict.

Advertisers Give AFRA Closed Shop

American Federation of Radio Artists last night won a complete victory. A new two-year contract was signed providing for a 100 per cent A.F.R.A. shop and major increases in wages for all radio artists.

This contract was signed at an early hour this morning. A.F.R.A. later issued the following statement:

"A.F.R.A. and the Committee for Advertisers, representing sponsors of commercial network programs, jointly announce the signing by NBC and CBS of a two year agreement with A.F.R.A. covering actors, singers and announcers on national network programs."

The major scales follow: Actors: 15 minute programs, $15 fee and $10 for rebroadcast; 16 minutes to 30 minutes, $25 and $12.50; 31 to 60 minutes, $35 and $17.50 for rebroadcasts. Rehearsal payments are $6 per hour first four hours; $3 per hour thereafter. Actors on five time a week script programs are guaranteed a minimum of $105 weekly; $100 weekly for four programs a week: $80 for three programs per week. With repeat broadcasts, the guaranteed minimum became $140, $125 and $100, respectively.

Singers (soloists): 15 minutes or less, $40, rebroadcast fee $15: 16 to 30 minutes; $50, rebroadcast, $17.50: 31 to 45 minutes, $60, rebroadcast, $20; 46 to 60 minutes, $70, rebroadcast, $22.50. Rehearsal fees are $5 per hour.

Announcers: 15 minutes or less, $15, rebroadcast, $10: 16 to 30 minutes: $25, rebroadcast, $12.50; 31 to 60 minutes, $35, rebroadcast, $17.50 Guarantees are given for announcers working on steady assignments as follows: five times a week, weekly minimum of $75, and $37.50 for rebroadcasts: six times per week, $85 and $42.50 for rebroadcasts.

HAYS, LOHR SEEK FILM-RADIO PACT

Washington Keeps Watchful Eyes on Italy's Film Move

WASHINGTON, Feb. 2.—Declaring that the withdrawal of American distributors from the Italian market, as of last Dec. 31, does not involve the Governments of the United States and Italy, State Department officials today refused to comment on the M. P. P. D. A. statement announcing completion of the American companies' withdrawal from Italy.

It was said, however, that the State Department has been watching the situation very closely ever since the creation of E. N. I. C., the Italian film distribution monopoly, last summer, and had been informed in advance that, in view of their inability to reach any satisfactory solution of the problem, there was nothing American companies could do except withdraw.

It is known that while the Department can take no steps to deal with the situation, it will insist that legal rights of the distributors in Italy are recognized. Other than this there is nothing the Department can do, since, while it disapproves of government monopolies as restricting international trade, it recognizes the right of all governments to conduct their affairs as they determine best.

M. P. P. D. A. statement issued yesterday quoted Will H. Hays, who is now in Hollywood, as saying that the American distributors "have taken the final steps necessary to submit to the Italian decree which forces them to abandon entirely all their business in Italy as of Dec. 31, 1938."

It adds that the decree rendered all contracts of the American companies null and void and, as no exceptions to the decree could be obtained, the companies were without an alternative. Statement refers to the distribution contracts of RKO, Columbia, Universal and United Artists with Italian agents. Other companies operated their own branches in Italy and were free to close them when the decree went into effect.

Statement is conclusive of the "united front" stand announced by distributors following the Jan. 4 M. P. P. D. A. board meeting.

Trammell Returns After Studio Conferences on New Entente

That recent trip to Hollywood by Niles Trammell, NBC executive vice-president, was to confer with film production heads regarding possible formation of a code to promote friendlier relations between the motion picture and radio industries, it was learned yesterday at an informal luncheon tendered by Major Lenox R. Lohr, NBC president.

Trammell was sent to the coast by Lohr following a visit paid the latter by Will H. Hays, president of the M. P. P. D. A.

Hays, the NBC president related, visited Radio City several months ago, and in the general discussion that followed related several specific matters that had distressed members of his organization.

A skit on a program by Irene Rich had particularly distressed Hollywood, according to Lohr. The skit had burlesqued Hollywood production methods in such fashion as to show the entire industry in a ludicrous light. Moreover, the dialogue, instead of being straightforward, was in dialect, it was stated.

Activities of the Hollywood com-

(*Continued on page* 5)

Berman Urges U. S., British Film Accord

Collaboration and not competition between the United States and England in production is the solution to quota problems, in the opinion of A. C. Berman, who was in charge of the Selznick International office in London until it was closed last month.

Berman arrived yesterday from London and plans to leave for the coast in about two weeks. He expects to announce a new connection shortly.

He pointed out that it has been proved that English studios can turn out a high percentage of good films. Of approximately 65 films made in England last year, about 10 were successes, while of some 500-600 made here in a year, only about 20 are real hits, he declared.

Berman said that there is talk of a higher quota against American companies, and that this could be circumvented by closer cooperation in production between the industries of the two countries.

Purely Personal

TOM GORMAN, box office champion of Chicago, has returned to the Windy City after a few days of conferences at the RKO home offices.

•

ARTHUR LOEW, vice-president of Loew's, and LAUDY LAWRENCE, British head, left yesterday for the coast by car. Their trip was delayed by a cold suffered by LAWRENCE. They return in about a month.

•

GEORGE J. SCHAEFER, president of RKO, and NED E. DEPINET, vice-president, are due back in 10 days from studio conferences. DEPINET, who is ill, is at the Beverly Wilshire, Los Angeles.

•

LUISE RAINER, RAYMOND MASSEY, LIONEL STANDER and ORSON WELLES will be among the auctioneers at the sale of manuscripts for the benefit of exiled writers at the Hotel Delmonico Feb. 19.

•

JAN KIEPURA, who arrived yesterday to appear at the Metropolitan Opera, has made a film in Paris and has two others scheduled. MARTA EGGERTH, his wife, arrived with him.

•

HAROLD KITTERMAN, formerly with Columbia, has been named Monogram booker in Salt Lake City, replacing EVELYN NURSENER.

•

CHARLES OLAJOS, treasurer of Erpi, will leave tomorrow by plane for coast conferences. He will return in about three weeks.

•

ROBERT T. KANE, head of 20th Century-Fox British production, returns to England on the *Conte di Savoia* tomorrow.

•

CARLO BUTI, Italian tenor and film player, will arrive on the *Rex* next Thursday for an American tour.

•

GYULA KABOS, Hungarian film star, will arrive on the *Paris* next Wednesday for a visit in this country.

•

RUTGERS NEILSON, RKO publicity manager, has returned to work after a two-week siege of the flu.

•

RUTH GOODWIN, secretary to NED E. DEPINET, went to Dallas, and not to Florida.

•

SAM DEMBOW, JR., has gone to Miami Beach for a month's vacation.

•

GEORGE KRASKA is vacationing in Florida with MRS. KRASKA.

•

GEORGE BRENT will return to the coast tomorrow

•

JOE SHEA left yesterday for California.

DuMont Laboratories, Inc.
Bought--Sold

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INCORPORATED
40 Wall Street New York
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Insiders' Outlook

By SAM SHAIN

LET it be noted, this day, that we have a couple of readers. We have an unquestioned responsibility to record our observations, and we fulfilled this partly, yesterday, in making comment upon the manner in which it is contemplated to name the winners of the Movie Quiz contest. Today, we present the other side of the question.

•

"Dear Sam:

"No one will be compelled to go to the theatres on Monday evening, Feb. 20, in order to find out who winners of the $250,000 Movie Quiz Contest are, because we plan to release the names of all the winners through the different news wire services on the night of Feb. 20, and it was suggested to all the theatres participating, that they release a story Tuesday morning, giving the names of all local winners.

"We have been in contact with over 7,500 theatres participating and there has not been one dissenting voice. The fact that this 'Announcement Night' may bring additional business into the box-office certainly cannot be objectionable to anyone who has the interest of the exhibitors at heart."

"Sincerely yours,
"HAROLD B. FRANKLIN
Administrator, Motion Pictures' Greatest Year, Inc.

•

From one of the greatest public relations experts in the trade we have the following:

"Dear Sam:

"We knew the Movie Quiz could not have the vitality of a concentrated campaign. But we did know that the Quiz could stimulate business in some parts of the country, and it fulfilled for the first three weeks. All in all, considering what it was supposed to accomplish, the only valid criticism of the campaign was with the type of contest we were to have.

"Perhaps we were trying to get the last drop of business which the public had to give. Why not?

"After all we had to go to the little theatres for appropriations as well as to the bigger operators and we had to give them something approximating box-office promotion.

"We had to be diplomatic with the trade and the press, and we were. The press was gracious and understanding and we received numberless commendatory editorials. Many newspapers got a new and friendly slant on the trade.

"Which, of course, proves that the gains of the campaign are rather tangible. It is a fact. Greater goodwill has been generated. This is something we know.

"We know that unless we build a Maginot Line of goodwill we will ultimately lose the box-office. That thought was in our minds when we started on the campaign. We stuck to that line of thinking and set out to obtain the fullest equation in public goodwill in the quickest possible time. We only had a limited time in which to work.

"Even the radio saw our point.

"The newspapers saw it, too. They were with us—so, the campaign had definite and actual beneficial results.

"Amicus Curiae."

Wilcox Arrives for Conference at RKO

Herbert Wilcox, British producer releasing through RKO, arrived yesterday on the *Normandie* to set details for future production under his co operative arrangement with RKO.

He had planned to leave for the coast today, but deferred the trip two or three days to clear up a case of the flu. He was ill during the voyage.

In Hollywood he will confer with George J. Schaefer, Ned E. Depinet and Pandro S. Berman on Anna Neagle's first American film under the RKO management. He will sign an English player for the title role in "Kitchener of Khartoum," based on the life of Lord Kitchener, which will start at Denham in April. The British War office is cooperating on the film.

Miss Neagle is due in March to start on her American picture. RKO is still seeking an American title for her "Sixty Glorious Years." The alternative title of "Lady of Windsor" has been discarded.

Arnold, Tydings Speak

Thurman W. Arnold, assistant U. S. Attorney General in charge of the film anti-trust suit, spoke on "How Far Should Government Control Business" at the 127th annual dinner of the Economic Club of New York at the Astor last night. Senator Millard E. Tydings of Maryland also discussed the question. There was a panel forum with Frank A. Vanderlip and others.

Defer Copyright Meet

Meeting of copyright representatives of this and other industries gave over yesterday's session to a report by its delegates to the recent Pan-American trade conference at Lima, thus postponing further consideration of proposed changes in the Federal Copyright laws to the next meeting, March 2.

Elsa Maxwell Signed

HOLLYWOOD, Feb. 2.—Elsa Maxwell has signed a contract with 20th Century-Fox. Her first picture will be "Elsa Maxwell's Hotel for Women."

Loew Quarter Net Totals $2,979,943

Net profit of $2,979,943 is reported by Loew's, Inc., and subsidiaries for the 12 weeks ended Nov. 24, 1938, first quarter of the company's fiscal year. Profit is after all charges and compares with net of $2,917,409 for the corresponding period in 1937.

The figure is equal after dividend requirements on the $6.50 preferred stock of Loew's to $1.74 a share on 1,599,053 no par shares of common.

Snow and Rain Cut Broadway Grosses

Snow and rain combined yesterday to keep Broadway first run grosses at a low level. Building service strike in the garment section also kept many from coming to the Times Square area. More than 400,000 patrons have attended the Roxy in the first three weeks of "Jesse James." Third week gross was an estimated $47,500 and the film goes into its fourth and final week today.

"They Made Me a Criminal" finished with an estimated $31,000 in its second week at the Strand. "Wings of the Navy" starts today. Eighth week of "Pygmalion" attracted an estimated $12,500 to the Astor.

Sears, Blumenstock Return from Coast

Gradwell L. Sears, general sales manager for Warners, and Mort Blumenthal, eastern advertising and publicity head, will return to New York today after a series of production and sales conferences at the coast studios. Plans for merchandising the spring and summer product were made at the talks with H. M. and Jack L. Warner, Hal Wallis, Charles Einfeld and S. S. Schneider.

Reserve Tippett Ruling

N. Y. Supreme Court Justice Samuel I. Rosenman reserved decision yesterday on the application of John D. Tippett and Eugene T. Tippett to dismiss a $270,000 damage suit brought by Universal Pictures Co., Inc., against them.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
*MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable addresss: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A great heart show in a locale new to the screen . . .



. . . with Bobby Breen and an all-fun cast hitting their tops!

The funniest "family" you've ever met—with a laugh and a cry and a deep-down thrill from every member!...Strange sights and unusual scenes among the happy fisherfolk of San Francisco's colorful "Dead End"...background for the exciting drama of a lad who "wasn't wanted" by the folks he loved the most!...A cinch for selling tickets and pleasing all who see it!



BOBBY BREEN

Fisherman's Wharf

with

LEO CARRILLO

HENRY ARMETTA

LEE PATRICK and SLICKER THE SEAL

RKO RADIO PICTURES

PRODUCED BY SOL LESSER

DIRECTED BY BERNARD VORHAUS

SCREEN PLAY BY BERNARD SCHUBERT · IAN HUNTER
HERBERT CLYDE LEWIS

Comerford Dies at 71; Rites Monday

(Continued from page 1)

Miami and was removed to the hospital last Sunday. Death was attributed to a heart ailment and a minor form of pneumonia. With him at the time of his death were his wife, Mrs. Margaret Comerford his daughter and son-in-law, Mr. and Mrs. Thomas Fri[illegible] and a nephew, Dr. Joseph Com[illegible]rd. Frank C. Walker, another nephew, who has been executive head of the Comerford Circuit since its founder retired about five years ago, had gone to Miami from New York to visit Comerford earlier in the week but returned here Wednesday after the stricken man's condition showed some improvement.

Comerford also is survived by a sister, Mrs. Matthew Cary, Scranton; and a brother, John, Los Angeles. Among his nephews are State Senator Thomas Walker, Butte, Mont., the Rev. Paul Cary, Scranton; Sister M. Helen Patricia, Carbondale, Pa., Mrs. Mary Comerford Hansen and Mrs. Doll Comerford Roosberg, both of Los Angeles, and Attorney Matthew Cary, New York.

Headed Exhibitor Group

Comerford pioneered not only in circuit operation but was head of one of the first exhibitor organizations and aided in the formation in 1920 of the M. P. T. O. A. National headquarters of that exhibitor's organization continue to be located to this day in Comerford's New York offices at 1600 Broadway.

Born in Hecksherville, Schuylkill County, Pa., in 1867, he attended public school in Plymouth, Pa., and worked in the mines and at other occupations in his home town for some time. He then became a traveling salesman for a food supply house. His first venture into show business was with a circus, of which he became manager. He entered theatre business in the early 1900's, establishing one of the first motion picture houses in Philadelphia and in Baltimore, later extending his operations to Wilkes Barre, Scranton and elsewhere throughout the anthracite region. In later years he built or acquired houses in many sections of southern and western New York, including Binghamton, Rochester, Oswego and also was associated with the E. M. Fay Theatres in New England. The circuit numbers about 87 houses, in all.

Had Vaudeville Agency

The Pennsylvania exhibitor organization which he headed about 1916 has since been absorbed by the present Pennsylvania organizations. He had been first vice-president and a trustee of M. P. T. O. A. since 1932.

Paramount acquired an interest in his theatre operations in 1928 but failed to complete payments on the properties and they were reacquired by Comerford in 1933. Paramount, however, retains a minor residual interest in some of the Comerford operations from the portion of the payments which were completed.

In addition to his theatre operations, Comerford founded and headed Amalgamated Vaudeville Agency, Inc., which held a prominent place in the variety world during vaudeville's heyday, booking many houses throughout the east in addition to his own. Comerford also was associated financially with Eddie Dowling in the production of several pictures.

He was a civic leader in Scranton and a director of the city's Chamber of Commerce, and was active in charitable, fraternal and organizational work. He was a leader of the Old Age Pension movement in Pennsylvania and was the donor of a theatre for the Warm Springs, Ga., Foundation for infantile paralysis sufferers.

Leaders Pay Tribute

"The death of Mike Comerford means a public loss to the community and a personal loss to each of his almost countless friends.

"Mr. Comerford was part of the history of the motion picture industry. He watched and helped it grow.

"Constructive and able in business, useful and influential in civic affairs, understanding and helpful in his relations with his fellowmen, he is one of those we shall ever miss and always remember."—WILL H. HAYS.

●

"The death of M. E. Comerford was a shock to me and all of us who had the pleasure of being associated with him at Paramount. Mike was a grand fellow and a great showman. We shall all miss him."—NEIL F. AGNEW.

●

"There is no question but what the passing of M. E. Comerford is a great loss to the industry. We will miss him tremendously. While it never was my pleasure to know him very well, I knew him favorably for many years. His passing was a great shock.—HERMAN WOBBER.

●

"I was deeply shocked to hear of the death of M. E. Comerford. I knew Mike Comerford for a period of over 20 years. He was a credit to the motion picture industry and he will be sorely missed."—JAMES R. GRAINGER.

●

"M. E. 'Mike' Comerford was a great inspiration to me during the long number of years it was my privilege to know him. His passing is not only a great loss to the industry but also to many of his friends about whom he was always solicitous. My profound sympathy to Frank Walker and every member of his family.—JULES LEVY.

'Jeremiah' Tonight, 'Money' Tomorrow

"Jeremiah," a translation of the Stefan Zweig play, opens at the Guild tonight. It is a history of the Jewish people and has a large cast, of which 52 are principals. Worthington Miner directed. Heading the cast are Kent Smith, Arthur Byron, Effie Shannon, Alfred Ryder and Hannam Clark.

Tomorrow, at the Booth, "One for the Money" comes to town. It is a revue by Nancy Hamilton with songs by Morgan Lewis. John Murray Anderson directed and Gertrude Macy, Stanley Gilkey and Robert Cutler produced. Included in the cast are Brenda Forbes, Miss Hamilton, Ruth Matteson, Grace McDonald and others.

Hays and Lohr Seek Film-Radio Entente

(Continued from page 1)

mentators with radio programs was still another subject of discussion.

Following the discussion with Hays, Lohr dispatched Trammell to Hollywood where, with Don Gilman, head of NBC's west coast activities, he spent several weeks with the heads of the various major studios. Trammell returned to New York several days ago, but has not yet completed his reports. In all likelihood NBC will adopt several measures that may alleviate the situation, following the completion of Trammell's findings.

Lohr, queried on the withdrawal from radio of Tyrone Power by 20th Century-Fox, said that he knew nothing of the details of the matter, and therefore could not offer comment. It is his belief, however, that radio has made many contributions to Hollywood and he hopes, he said, that some time soon Hollywood will recognize radio as a good friend and ally, and not a rival.

Brandt Praises Zanuck

Harry Brandt, president of the I. T. O. A., yesterday sent a letter to Darryl F. Zanuck congratulating him on his move in withdrawing Tyrone Power from the air. Brandt at the same time called on other producers "to use the same enlightened action."

"Theatre business is not where it should be and we must clean our own house in order to raise the business level," Brandt declared in the letter. "One of the first moves should be picture stars for pictures."

'Tail Spin' Airavans Hit Halfway Mark

The two groups of famous women fliers and studio starlets who are winging their way across the country to exploit 20th Century-Fox's "Tail Spin," film glorifying women in aviation, have reached the halfway marks. The southern group headed by Betty Huyler Gillies and Cecile "Teddy" Kenyon, fliers, and the Brewster Twins, Alice Armand and Iva Stewart from the studio have arrived at New Orleans. The northern unit comprising Ruth Nichols and Margot Bain Tanner, fliers, and Lilian Porter, Dorothy Dearing, Joan Valerie and Helen Ericson from the studio are in Chicago. They leave the Windy City today and plan to make St. Louis, Detroit, Cleveland and Pittsburgh before their scheduled arrival in New York Tuesday.

Each group delivers prints of "Tail Spin" to the 20th Century-Fox exchanges in the cities visited. In every city they have stopped the groups have been feted by officials and at luncheons and dinners sponsored by aviation enthusiasts.

Suit of NVA Against AFA Is Dismissed

Libel suit for $250,000 damages brought by National Variety Artists, Inc., against the American Federation of Actors was dismissed yesterday by N. Y. Supreme Court Justice Samuel I. Rosenman on the ground that the complaint failed to state a cause of action. Action was based on a letter written to Sally Rand when she requested permission to appear at an N. V. A. benefit.

Television Widens Para. Field, Griffis Tells Review Board

Important additions to studio operations are expected by Paramount officials to result from the development of television, Stanton Griffis, chairman of the Paramount executive committee, told the opening session of the 15th annual conference of the National Board of Review at the Hotel Pennsylvania yesterday.

Paramount, which owns an interest in the DuMont television laboratories, expects that a heavy pencentage of the televised programs during the next few years will consist of motion pictures, rather than direct photography, Griffis said. In consequence, the company expects television "will bring into being in the studios important new departments, both for the adaptation of old films to television programs and the production of new specialty films of an entirely different nature especially for television."

Adjunct to Newsreel

"For the exhibitor," Griffis continued, "we see the televising of great sports and other current events as an important adjunct to his newsreel program."

The Paramount executive emphasized his belief that television "is the friend of motion pictures and will be the source of great profits to the industry." He attempted no forecast of the time by which television will be commercially feasible on a large scale, although at one point in his speech he said that the sending and receiving of programs in New York City "will have become a commonplace within a few weeks." He said "a fair guess" would be that from 30,000 to 100,000 receiving sets will be manufactured and sold within the coming year in the United States."

Sees Revenue Gain

Griffis, who is chairman of Madison Square Garden, related that the Garden expects "a tremendously increased revenue" from the sale of television rights to its programs, nor does it expect actual attendance to be adversely affected by television, as it has not been by radio broadcasts of Garden events. He implied that exhibitors had no more to fear from television than did the Garden.

"Television," he said, "will mean the loss of no more motion picture business than has the development of 16mm. films—it will mean the gain of tremendous business."

Allen B. DuMont of the DuMont Laboratories reviewed the history of television and explained its functions to the meeting. Like Griffis, he made no prediction of the exact future of the new science, describing that as the job of a superman. However, he said that it is anticipated that continued improvement towards increasing the range of transmissions, obtaining finer detail pictures of larger size and greater brilliance, and simplified apparatus will be realized.

The Review Board's conference continues through today, closing with an annual luncheon tomorrow.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Dec. 30	Smashing the Spy Ring (G) (D) *Fay Wray Ralph Bellamy*	Sweethearts (G) (M) *MacDonald Nelson Eddy*	Tough Kid (G) (D) *Frankie Darro Judith Allen*	Artists and Models Abroad *Jack Benny Joan Bennett* (3817)	Federal Man Hunt *Livingston Travis* (820)		Kentucky (G) (D) *Loretta Young Richard Greene* (923)	Duke of West Point (G) (D) *Louis Hayard Joan Fontaine*		Going Places (G) (C) *Dick Powell Anita Louise*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Jan. 6 1939	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor Wallace Beery Florence Rice*		Disbarred (G) (D) *Gail Patrick Otto Kruger* (3818)	Fighting Thoroughbreds (G) (D) *Ralph Byrd Mary Carlisle* (821)	Pacific Liner *McLaglen Chester Morris Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X (G) (C) *Michael Whalen Mary Hart* (809)	The Great Man Votes (G) (C) *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein (G) (D) *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Trigger Pals (G) (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*			Ambush (G) (D) *Swarthout Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	Exile Express *Anna Sten* (Jan. 20)
Jan. 27	Lone Wolf Spy Hunt (G) (D) *Warren William Ida Lupino*	Idiot's Delight (A) (D) *Shearer-Gable* Four Girls in White (G) (D)	Drifting Westward (O) *Jack Randall*	Paris Honeymoon (G) (C) *Bing Crosby* (3821)	Pride of the Navy (G) (D) *James Dunn Hudson* (822)		Jesse James (G) (D) *Tyrone Power Henry Fonda* (921)			King of the Underworld (G) (D) *Kay Francis Humphrey Bogart*	Ride 'Em Cowgirl (G) (O) *Dorothy Page* (Jan. 20)
Feb. 3		Honolulu (G) (M) *Eleanor Powell Robert Young*	Navy Secrets *Fay Wray Grant Withers*	St. Louis Blues (G) (M) *Lloyd Nolan Lamour* (3822)	Home on the Prairie (O) *Gene Autry*	Fisherman's Wharf (G) (D) *Bobby Breen Henry Armetta*	The Arizona Wildcat (G) (C) *Jane Withers Leo Carrillo*		Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 10	Texas Stampede *Starrett Meredith*	Adventures of Huckleberry Finn (C) *Rooney Connolly*	Sundown on the Prairie (O) *Tex Ritter*	Persons in Hiding (G) (D) *Overman Naish* (3823)	Woman Doctor (G) (D) *Inescort Wilcoxon*	Boy Slaves *Anne Shirley Roger Daniel* (G) (D)	Tail Spin (G) (D) *Alice Faye Bennett Charles Farrell*	Made for Each Other *Lombard Stewart*	The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne deHavilland George Brent*	
Feb. 17		Fast and Loose *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport *Paul Kelly June Lang Lyle Talbot*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers *Don Ameche Ritz Bros. Binnie Barnes*	King of the Turf *Menjou Dolores Costello*	You Can't Cheat an Honest Man *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
Feb. 24	Let Us Live *Fonda O'Sullivan*	Let Freedom Ring *Eddy L. Barrymore McLaglen*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation *Sylvia Sidney* Sunset Trail (3857) (O)	I Was a Convict *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Key Woman *Preston Foster Irene Hervey Walter W. King Fred Keating*	Yes, My Darling Daughter *Priscilla Lane*	
March 3	Blondie *Penny Singleton Arthur Lake*	Ice Follies of 1939 *Crawford Stewart Lew Ayres*	Mystery of Mr. Wong *Boris Karloff* Rollin' Westward	Cafe Society *Madeleine Carroll MacMurray Ross*		Love Affair *Irene Dunne Charles Boyer* Twelve Crowded Hours	Wife, Husband and Friend *Loretta Young Baxter*	Stagecoach *Claire Trevor John Wayne Andy Devine*	Risky Business *George Murphy Dorothea Kent*	Adventures of Jane Arden *Rosella Towne William Gargan*	

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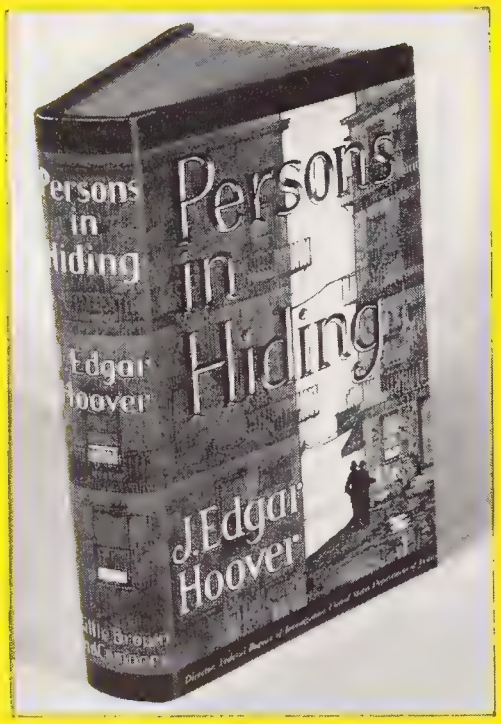
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. . . Motion Picture Daily

Adapted from **J. EDGAR HOOVER'S**

"PERSONS IN HIDING"

LYNNE OVERMAN · PATRICIA MORISON · J. CARROL NAISH · JUDITH BARRETT

A Paramount Picture · Directed by LOUIS KING · Screen Play by William R. Lipman and Horace McCoy

PRINTED IN U. S. A.

G B and Odeon Talks Unaffected by Quiz

London, Feb. 2.—Pending the Board of Trade investigation of the affairs of Gaumont British, the negotiations looking to a merger between Odeon, the Oscar Deutsch circuit, and G. B., are continuing, it is learned here.

The Board of Trade may demand that all books and documents be produced, and may examine G. B. officers under oath. The inspector's report will be available to the company and any applicants. Board of Trade has the option of referring the matter to the Director of Public Prosecutions if such a step is considered warranted.

Police in Providence Ban 2 Foreign Films

PROVIDENCE, Feb. 2.—Capt. George W. Cowan, police censor, has banned "Professor Mamlock" and "Amphitryon." He acted after the two foreign films had been on view at the Avon. He said the films had not been approved by the National Board of Review. Legal action to obtain showing of the films was promised by Amkino for "Mamlock" and by Jack Meyers, head of the Hub Film exchange, distributor of "Amphitryon."

AFA to Seek Bonds For Entertainer Pay

Membership of the American Federation voted yesterday at a meeting at the Hotel Edison to empower the executive council to exact bonds from employers for payment of vaudeville and night club entertainers. The meeting also voted a $50,000 Sophie Tucker hospital fund and gave Ralph Whitehead, executive secretary, a vote of confidence.

Cease Production at Gainsborough Studio

LONDON, Feb. 2. — Gainsborough Studio has ceased production at the Islington plant. The personnel has been transferred to 20th Century Pictures, the 20th Century-Fox British production subsidiary.

Work has started on "Where There's Fire," feature which will star Will Hay.

House in Columbus Reverts to Doubles

COLUMBUS, Feb. 2.—The RKO Majestic, originally playing double features, and subsequently switching to single bills, has reverted to the double feature policy. The Grand, a sister RKO house, also will play double features sporadically.

Kenneth Rites Held

Funeral services for Charles Kenneth, for many years a salesman for Warners, 20th Century-Fox and other companies in New York, were held here Wednesday. Jack Ellis, Joseph J. Lee and other representatives of the Motion Picture Associates attended.

Press Conference Is Cancelled by Murphy

WASHINGTON, Feb. 2.—A severe cold confined Attorney General Frank Murphy to his home today and necessitated cancellation of a press conference at which it had been rumored he would make an important statement regarding the Department of Justice attitude with respect to recent developments in the anti-trust suit against the film industry.

Reports of the Attorney General's intention to issue a statement, which probably will be based on the agreement by producer-distributors to make periodic reports of new theatre acquisitions while the New York suit is pending, have been current since Attorney General Murphy's visit to New York last week where he conferred with counsel for some of the defendants.

Academy Announces Cinematography List

HOLLYWOOD, Feb. 2. — Pictures nominated by the Academy for the cinematography award were "Army Girl," Republic; "Algiers," United Artists; "The Buccaneers," Paramount; "The Great Waltz," M-G-M; "Jezebel," Warners; "Mad About Music," Universal; "Merrily We Live," Hal Roach; "Suez," 20th Century-Fox; "Vivacious Lady," RKO; "Yon Can't Take It With You," Columbia; "The Young in Heart," Selznick. Final selection will be made by special committee.

Color Film Shown

LONDON, Feb. 2.—Dufay Chromex has demonstrated at the Regal Cinema, Marble Arch, examples of its color films. The demonstration was in sequel to the annual meeting of the company presided over by John Cecil Graham, formerly managing director for Paramount in the United Kingdom, who recently joined the company board.

Denver Union Elects

DENVER, Feb. 2.—New managers of the film employes union include Lee Cronk, Paramount, president; Ellsworth Hays, 20th Century-Fox, vice-president; Elmer Finch, RKO; treasurer; Elsie Wickstrom, National Screen, recording secretary; Max Gilbert, Columbia, business agent; Paul Gundy, Warners, sergeant-at-arms.

Cassell Asks Appeal From Ruling on RKO

Application for leave to appeal to the Circuit Court of Appeals from the decision of Judge William Bondy which approved and confirmed the plan of reorganization of RKO was filed yesterday in the U. S. District Court by H. Cassell & Co., holders of $217,000 in 10-year six per cent gold debentures of RKO. Thirty errors allegedly committed by Judge Bondy in confirming the plan, upon which Cassell will attempt to upset the decision, were listed in an assignment of errors which accompanied the application.

Para. Suit May Not Be Filed for Month

Stockholders' action alleging the loss of $25,000,000 by Paramount through mismanagement over a period of 13 years may not be filed in N. Y. State Supreme Court for a month or more, attorneys for the two plaintiffs, Frank Jablow and Sam Acker, said yesterday. Action came to light this week when several officers of the company who are named defendants were served with summons and complaint.

Lawyer for the complaining shareholders, who acquired their stock about 14 months ago, said the action would not be filed until after he receives the answers of the principal defendants to the complaint.

Reserve Decision in Delaware Games Suit

DOVER, Del., Feb. 2.—Decision has been reserved in the Bank Night action brought here by Associated Enterprises, Inc., against the New Waller at Laurel, Del.

Plaintiff charges breach of contract and is suing for $5,000. Roland H. Waller is alleged to have abandoned Bank Night after a question as to its legality was raised.

Settle Denver Strike

DENVER, Feb. 2.—Truck drivers' strike, which tied up film delivery service for a few days, has been settled. During the strike films were shipped via express and mail.

Eckman Believes Demand for Quota Relief is Growing

Demand for amelioration of the British quota act, for the good of the British industry is on the increase in England, it was declared by Sam Eckman, Jr., managing director for M-G-M in the United Kingdom, on his arrival yesterday on the *Normandie*.

Eckman pointed out that such influential leaders as C. M. Woolf, head of General Film Distributors; Capt. Richard Norton of the Pinewood-Denham studio group; Kenneth Nyman, president of the Cinematograph Exhibitors' Association, and Herbert Wilcox, have all opposed "the artificial quota," and, substantially, call for "voluntary production" by the British industry itself.

Act Called Mistake

"These statements are not made lightly," Eckman said. "They point to a definite and growing conviction among the leaders of the British industry that the present quota act, or any other act designed to subject British production to foreign domination, is a grave mistake in itself and a serious injustice to those who are attempting to build a self-sustaining British industry on a sound and permanent basis."

Referring to the agitation by British labor groups for an increase in quota as a remedy for unemployment, Eckman continued:

Would Give Few Jobs

"These groups are mistaken in believing that an increase in the quota will end unemployment among the rank and file of British film workers. The contrary is true. Even if the quota were raised to the highest point permissible under the law, it would give employment only to a relatively few additional workers, chiefly in the higher salaried categories, and in the long run would inevitably hamper still further the revival of voluntary British production on a broad scale."

The solution lies in "the revival of voluntary British production on a permanent and self-sustaining basis," Eckman added. While 125 films were produced in England in 1937 outside the quota, not more than 30 such films were made in 1938, and that is the crux of the situation, he said.

Leading figures in the British industry and others realize where the trouble lies, and this is a long step toward improving the situation, Eckman said. He declared he expressed the sentiments not only of himself but of all American managers in London. Eckman for three years was head of the Kinematograph Renters' Society.

After a couple of weeks here, he will leave for the coast, and he plans to sail in about a month. He is accompanied by Mrs. Eckman.

The Newsreel Parade

President Roosevelt's birthday celebrations in the White House and in the Waldorf-Astoria, New York, capture the newsreel spotlight in the new issues. Ice hockey, tennis and horse racing are the leading sports events covered. The reels and their contents follow:

MOVIETONE NEWS, No. 42—President's Ball at the White House and Waldorf-Astoria. Snow storm in Chicago. New Japanese premier takes office. Stamp exhibition. Aviation training school. Spring styles. Flight of big clipper. Lew Lehr. Tennis match. Ice hockey. Ralph Guldahl turns golf pro.

NEWS OF THE DAY, No. 240—Chicago blizzard. Birthday Ball in New York. Roosevelt speaks at White House. Clipper flies over San Francisco fair. Hunting story. Hat fashions. Budge brothers in tennis match. Jockeys compete in Hialeah.

PARAMOUNT NEWS, No. 53—Snowstorm hits Northeast. National amateur title drive begins. Huge clipper on shakedown cruise.

RKO PATHE NEWS, 57—Nation honors Roosevelt. Storm halts Chicago's transportation. Process of invisible glass making is demonstrated. Open golf tournament. Largest transport plane in flight. Government opens war on rabbits. Bruins and Americans in hockey match.

UNIVERSAL NEWSREEL, No. 742—Clipper plane aids aviation. Snowstorm in Chicago and Buffalo. Crown King Bonias at St. Paul. Colonel Betista leaves for Mexico. Pet crow. Scare-crow contest. Roosevelt speaks on Birthday. Birthday Ball in New York. Duck derby. Diving exhibition.

Hot from Horne

Hal Horne confided to A-Mike Vogel that a welder working on the destruction of the Sixth Ave. "L" was fired because he gave his boss the hotfoot.

Personnel Moves

COLORADO SHIFTS

DENVER, Feb. 2.—Changes made by Dave Davis, manager of Atlas Theatres, all in Colorado, are: Walter Jancke from the Rex, Brighton, to the Granada, Monte Vista, succeeding Frank Brown, resigned; Ray Lounsbury, assistant, to manage the Pioneer. Lamar, succeeding Harry Moore, sent to Salida; Carl Smith from the Gem, Golden, to the Rex, Brighton; Ralph Hamilton, new in the business, at the Gem, Golden; Dick Jancke from the Jewel, Denver, to Salida; and George Sandstrom, recently at the Egyptian, Denver, to manage the Santa Fe, Denver, succeeding Jack Kramer, who leaves the organization and goes over to the State as assistant manager.

JAMES ADAMS NAMED

OKLAHOMA CITY, Feb. 2.—James Adams, veteran Oklahoma City theatre manager, more recently connected with Paramount News, has been named manager of the Warner by B. F. Moore, general manager of Standard Theatres, Inc. Adams has served as manager of the old Lyric, the Orpheum, now the Warner and the Folly and the Victoria and Plaza theatre, all in Oklahoma City.

Garvin Transferred

SPARTANBURG, S. C., Feb. 2.—Dave Garvin, assistant manager of the Carolina here, has been transferred to High Point, N. C., as manager of the Carolina. Bill Blackwell, assistant manager of the State here, succeeds Garvin.

"U" SHIFTS BLAKE

SEATTLE, Feb. 2.—Foster Blake has been added to L. J. McGinley's local Universal sales staff here, and will cover the eastern Washington territory. King Trimble has been named to handle sales in the western part of the state.

McKNIGHT TRANSFERRED

TORONTO, Feb. 2.—Thomas McKnight, former manager of the Bayview, Toronto, has been transferred to the Granada, Hamilton, Ont., by H. T. Long, general manager of Hanson Theatres, Ltd. G. Beavis of Peterboro has been named manager of the Granada in St. Thomas, Ont.

MANAGERS MOVED

DES MOINES, Feb. 2.—Tri-States Theatre Corp., has promoted Henry Plude, manager of the Garden here, to be house manager under Hal Sheridan of the Paramount in Cedar Rapids. Bob Leonard, formerly manager of the Uptown, will go to the Garden and E. L. Peterson, assistant manager of the Paramount here, will manage the Uptown.

PAULSON SHIFTED

DES MOINES, Feb. 2.—L. C. Paulson, extra salesman at the Des Moines 20th Century-Fox exchange, has been transferred to the Denver office.

BOOTH TO N. S. S.

CINCINNATI, Feb. 2. — Herman Booth, former manager for G. B. here, has joined National Screen Service. Sam Orshrey, former G. B. booker, has been appointed Kentucky representative for Big Feature Rights.

Theatre Changes

DENVER CHANGES

DENVER, Feb. 2.—Theatre changes include the selling of the Magdalene, Magdalene, N. M., by Mrs. Cora B. Hayes to Mrs. Eleanor H. Graham, who renamed it the Aragon; G. Notrianni sold his Navajo, Denver, to D. M. Nogro, and John C. Woods has taken over the Cine, Espanola, N. M., from Mrs. B. L. Riedel. Westland Theatres has moved headquarters from Denver to Colorado Springs.

FLA. HOUSE GOING UP

PLANT CITY, Fla., Feb. 2.—Construction is now in progress on the new theatre of the Sparks circuit here. H. S. Baird Company, of Jacksonville. has the contract.

COLUMBIA S. C. JOB ON

COLUMBIA, S. C., Feb. 2.—Work on Columbia's first neighborhood theatre, to cost $23,000, has begun. The theatre, being erected by Palmetto Theatres, Inc., will be the fifth for the city.

TO REMODEL IN VALDOSTA

VALDOSTA, Ga., Feb. 2.—Fitz here will be renovated next month. The seating capacity will be increased and new projection and sound equipment installed.

MO. HOUSE TO COWGER

KANSAS CITY, Feb. 2.—Gem at Richland, Mo., has been taken over by Royal Cowger. Cowger is former manager of the Ozark at Eldon, Mo.

NEW OKLA. CITY HOUSE

OKLAHOMA CITY, Feb. 2.—H. N. Rummell, president of the Broadway Apartment Owners Association, plans a first run picture house here.

TO OPEN IN MISSOURI

KANSAS CITY, Feb. 2.—The Nu Buffalo will be opened at Buffalo, Mo., shortly by C. C. Rhodes, who runs the Roxy at Warsaw, Mo.

BUYS IOWA HOUSE

EXIRA, Ia., Feb. 2.—H. T. Carter, formerly operator of a theatre at State Center, Ia., has bought the Palace here from Ted White, who has operated it for the past five years.

REMODEL IN IOWA

NORTHWOOD, Ia., Feb. 2.—Remodeling of the new Northwood here is almost completed. It will seat over 400. It is owned by Nate Sandler of Des Moines.

GRANVILLE HOUSE REOPENS

GRANVILLE, N. Y., Feb. 2.—The remodeled Ritz, recently acquired by William Benton and Schine Enterprises, Inc., reopened here with Benton and L. W. and J. M. Schine as special guests.

PLAN CHARLOTTE HOUSE

CHARLOTTE, N. C., Feb. 2.—Contract for the new Dilworth to be erected for Carolina Theatres, Inc., has been awarded. It will seat 525.

NEW CANADA THEATRE

KELOWNA, B. C., Feb. 2.—R. Whillis and W. A. C. Bennett plan a $75,000 theatre and commercial block here. The house will seat 1,200.

TWO FOR NEW ORLEANS

NEW ORLEANS, Feb. 2.—Iberville Amusement Co. has obtained a permit to build a motion picture house in La Salle Street. It will seat 550 and will cost $21,000. Work on the new Circle has been started. It is being built by Jadel Theatres Corp.

NEW CHARLESTON HOUSE

CHARLESTON, S. C., Feb. 2.—The Riviera, Charleston's newest theatre, has been opened here by the Pastime Amusement Co. It will seat 1,400.

OPEN COLUMBIA THEATRE

KANSAS CITY, Feb. 2.—Boone, Commonwealth Amusement Corp. house in Columbia, Mo., has been opened.

GROVE TO INTERBORO

Interboro Circuit has acquired the Grove, 600-seat house in Brooklyn formerly operated by Jacobs and Kutinsky.

BKLYN HOUSE TO BRANDT

Brandt Theatres has taken over the operation of the Scott, Atlantic Ave., Brooklyn.

FOREIGNS AT CINEMA

Foreign films are now being used at the Cinema, Newkirk Ave., Brooklyn. House formerly played revivals.

ROOSEVELT CLOSED

Roosevelt Theatre, Roosevelt, Long Island, has been closed.

TAKE N. J. HOUSE

Batin Amusement Co. (Sidney Stern and Louis Baurer) have taken over the operation of the Rex, Irvington, N. J.

COMET TO GULKIS

Operation of the Comet, Brooklyn, has been taken over by Julius Gulkis.

OPEN IN MORRISTOWN

After being closed for about four years, the Palace, Morristown, N. J., has been reopened by Morristown Amusement Co. (Samuel Tanenbaum and Sidney Bloomfield).

BUILD KY. HOUSE

MURRAY, Ky., Feb. 2.—A $50,000 theatre is under construction by Leo F. Keiler.

WARNER OPENS FEB. 8

WILMINGTON, Feb. 2.—New $660,000 Warner here will open Feb. 8. Lewis S. Black, present manager of the company's Aldine, will manage the new 1,800-seat theatre.

FORM THEATRE FIRM

ALBANY, Feb. 2.—C. & D. Theatres, Inc., Endicott, N. Y., has been chartered here. Directors are S. Howard Ammerman and B. Worth Dittrich of Endicott and Frank P. Dittrich, Vestal.

NEW THEATRE COMPANY

ALBANY, Feb. 2. — Incorporation papers have been issued to Kingsley Theatre Corp., with 200 shares of non par value stock. Directors are P. A. Lewis, Josephine Langfelder and Florence Abramson, New York.

36 New Films Are In Work on Coast

HOLLYWOOD, Feb. 2. — Thirty-six pictures were before the cameras this week, as seven finished and seven started. Twenty-three are being prepared, and 76 are being edited.

Those started were: "The First Ranger," Columbia; "Lucky Night," M-G-M; "The Gracie Allen Murder Case," Paramount; "Mexicali Rose," Republic; "Gone with the Wind," Selznick International; "News Is Made at Night," "Susannah," 20th Century-Fox.

In addition to these, shooting were: "Plane No. 4," "The Lady and the Mob," "Outside These Walls," Columbia; "Wuthering Heights," Goldwyn; "The Wizard of Oz," "Sergeant Madden," "Tarzan in Exile," "The Hardys Ride High," M-G-M; "The Mystery of Mr. Wong," Monogram; "Union Pacific," "Man About Town," "Invitation to Happiness," "Beau Geste," Paramount; "Picardy Max," "They Made Her a Spy," RKO; "Man of Conquest," "Rough Rider Patrol," Republic; "Captain Fury," Roach; "The Hound of the Baskervilles," "Alexander Graham Bell," "Rose of Washington Square," 20th Century-Fox; "Juarez," "Hero for a Day," "The Roaring Road," "Hell's Kitchen," Warners; "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," "Spirit of Culver," "East Side of Heaven," Universal.

Finished were: "Blondie Steps Out," Columbia; "Panama Cipher," Fine Arts; "I Take This Woman," M-G-M; "Federal Offense," Paramount; "The Castles," "A Knight in Ghost Town," RKO, and "Key Woman," Universal.

Columbia, M-G-M, RKO and Warners are each shooting one short subject. Five are being prepared, and 11 are being edited.

'James' at $11,000 New Haven's Smash

NEW HAVEN, Feb. 2. — "Jesse James" and "Vacation from Love," at the Loew-Poli, in spite of almost zero weather, drew a fine $11,000. "Devil's Island" and "Going Places" at the Roger Sherman took $5,700. At the College, "Thanks for Everything" and "While New York Sleeps" hit $2,500.

Estimated takings for the week ending Jan. 27:

"Thanks for Everything" (20th-Fox)
"While New York Sleeps" (20th-Fox)
COLLEGE — (1,499) (25c-35c) 7 days. Gross: $2,500. (Average, $2,500)
"Jesse James" (20th-Fox)
"Vacation from Love" (M-G-M)
LOEW-POLI — (3,040) (35c-50c) 7 days. Gross: $11,000. (Average, $8,000)
"Ride a Crooked Mile" (Para.)
"Say It In French" (Para.)
PARAMOUNT—(2,348) (35c-50c) 5 days. Gross: $2,500. (Average, $4,400)
"Devil's Island" (W.B.)
"Going Places" (W.B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $5,700. (Average, 4,700)

Court Denies Ban on Kansas City Pickets

KANSAS CITY, Feb. 2. — Petition for an injunction to prevent picketing of the Sun Theatre here by Local No. 170 of the IATSE motion picture operators was dismissed in Federal district court on the grounds of lack of jurisdiction.

Out today

MOTION PICTURE HERALD

Delusions of Grandeur

Some remarks on the advertising of the motion picture

by TERRY RAMSAYE

CBC Religious Series Proving Highly Popular

MONTREAL, Feb. 2.—Audience response to the special Canadian Broadcasting Corp. series of interdenominational religious broadcasts, "The Catholic Hour" and the "Church of the Air" has proved these programs to be the most popular of their kind ever presented on Canadian airlanes and has made their establishment as a permanent feature almost certain.

The National Religious Advisory Council of CBC, comprising representatives of the major religious bodies in Canada, was responsible for the inception of the broadcasts last October.

Time for these programs, 20 of which have been presented, is given free by CBC and services are all voluntary. The programs, originating in all parts of the Dominion, attempt to provide a universal service of worship in which all may participate. In the rural sections of the Dominion, it has been noted, these broadcasts are especially welcomed. If the present response for them continues, CBC officials say, the programs will be made a permanent feature of the national network schedule.

FCC Starts Mutual Testimony Tuesday

Testimony of Mutual network operations will begin Tuesday in Washington before the F.C.C. network investigation committee. Among those now preparing to leave for Washington are W. E. Macfarlane, president; Alfred J. McCosker, chairman of the board; T. C. Streibert, vice-president; Fred Weber, general manager; E. M. Antrim, executive secretary-treasurer; Miles E. Lamphiear, auditor; Andrew L. Poole, traffic manager, and Adolph Opfinger, program coordinator.

'Radio Theatre' Plans Day Program Feb. 13

Lux Soap will essay its first daytime program since the "Radio Theatre" shifted from afternoon to its present Monday night spot when on Feb. 13 it will present a new dramatic series over CBS, daily, from 2:15 to 2:30 P. M. Repeats for the west coast will be broadcast at 5:30 P. M.

Program will be written by Edith Meiser. However, the original story line and title are by Cal Swanson, account executive at J. Walter Thompson Co., the agency handling the program, according to report. Tentative titles are "Doctor Susan" or "Life and Loves of Doctor Susan."

CBS January Gross Rises to $2,674,057

Time sale billings for CBS facilities during January amounted to $2,674,057. This represents a rise of 5.7 per cent compared to the revenue recorded for the preceding month, December, when the volume was $2,529,060.

Television Drive Is Launched in England

London, Feb. 2.—Radio manufacturers in England have launched a widespread and vigorous compaign to popularize television.

Page advertisements have been taken in the daily press and on railway posters. The sales slogan is: "Television is here. You can't shut your eyes to it."

McNinch to Confer Again with Wheeler On New Legislation

WASHINGTON, Feb. 2.—Chairman Frank R. McNinch of the Federal Communications Commission today said he plans to confer with Senator Wheeler, chairman of the Senate Interstate Commerce Committee, on provisions of the new communications legislation which he is drafting for committee consideration.

McNinch said only the broad outlines of the measure would be discussed, and indicated he was still committed to the substitution of a three-man board for the present seven-man commission.

In other quarters, however, sentiment is veering toward a five-man board, on the ground that one member of strong personality would be able to dominate a three-man board. It is generally agreed that seven commissioners are too many for smooth operation.

Attention of all stations was called today by the F.C.C. to regulations adopted last November requiring filing of annual balance sheets showing the financial condition of stations. Regulations require that statements be submitted by March 1 but the commission announced that, due to delay in preparation of forms, the time this year will be extended to March 15.

Five Commentators Join Radio Circle

Five additional film commentators have been added to the membership of the Radio Film Critics Circle.

They are Gene King, WEVD; Mollie Steinberg, WABC; Bert Child, WBBC; Roger Wayne, WCNW, and M. H. Warrenbud, WLTH. A total of 15 New York stations have joined the Circle.

Election of officers, adoption of a code of ethics and other scheduled matters were postponed to next Friday's meeting at the Edison. Sidney Kaufman is temporary chairman.

KOMA Will Picture Program Production

OKLAHOMA CITY, Feb. 2.—KOMA will soon begin production of a motion picture of a radio program showing the steps in production from the original idea to the finished program. Studio personnel will take the pictures and perform and the finished pictures will be used for promotion work and will be shown in all Oklahoma City schools as an educational feature.

Canada to Salute NY Fair on Air Sunday

TORONTO, Feb. 2. — Canada will accord a radio salute to the New York World's Fair Sunday, when the Canadian Broadcasting Corp. will feed a special program to the NBC, CBS and MBS networks across the United States. It will originate in Ottawa, Montreal, Kitchener and Toronto, featuring greetings by Hon. W. D. Euler, Canadian Minister of Trade and Commerce. The music program includes the Mendelssohn Choir of Toronto, the band of His Majesty's Canadian Grenadier Guards, Montreal, and the chimes in the Peace Tower of the Parliament Buildings at Ottawa.

Mutual to Air New "Smilin' Jack" Series

Sweets Co. of America will sponsor a new series based on the "Smilin' Jack" newspaper comic strip, over Mutual starting either Feb. 6 or 13, depending on clearance of time over stations WOR, New York; WGN, Chicago; WAAB, Boston. The schedule is for three broadcasts a week, Mondays, Wednesdays and Fridays. Milton Biow & Co. is the agency.

General Baking Co. has contracted for sponsorship of the "Lone Ranger" series over 10 stations of the Mutual network. The stations are WHB, WAAB, WTHT, WLLH, WABY, WHKC, WEAN, WTAG, WMAS and KTOK. Batten, Barton, Durstine & Osborn placed the business.

Extend Foreign Coverage

LONDON, Feb. 2.—British Broadcasting Corp. is extending its foreign news broadcasts to all provincial stations.

FCC Calendar

WASHINGTON, Feb. 2.—Federal Communications Commission has fixed tentative dates for hearings on broadcasting cases, as follows:

Feb. 27: Application of WHLS, Port Huron, Mich., for extension of time from day to unlimited with 100 watts night, 250 watts day.

March 14: Applications of WHDF, Calumet, Mich., for extension of time from specified hours to unlimited, and Copper Country Broadcasting Co. for a new 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day.

April 3: Application of KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts.

April 6: Application of Edward J. Doyle for a new 1,270-kilocycle, 500-watt daytime station at Rochester, N. Y.

April 7: Applications of Vincennes Newspapers, Inc., for a new 1,420-kilocycle, 100-watt station at Vincennes, Ind., and Monocacy Broadcasting Co. for a new 1,140-kilocycle, 250-watt daytime station at Rockville, Md.

April 18: Application of WJBW, New Orleans, for extension of time from sharing to unlimited.

The commission denied an application of KLS, Oakland, Cal., for increase of power from 250 to 500 watts, and denied an application of WRSP, Inc., for a new 1,500 kilocycle station at Wisconsin Rapids.

Issue Assessments On N. Y. Theatres

Tentative assessments on N. Y. City theatre properties for 1939 have been released. Unless protest is filed, the assessments become permanent. The list follows:

Manhattan	
Center	$4,500,000
Music Hall and RKO Bldg.	1[illegible],000
Metropolitan Opera House	[illegible],000
Empire	[illegible],000
Loew's State	4,250,000
Palace	1,350,000
Mayfair	1,950,000
French Casino	2,000,000
Roxy's	4,100,000
Ziegfeld	1,150,000
Carnegie Hall	2,000,000
New Amsterdam	1,050,000
Times-Apollo	1,500,000
44th Street—Nora Bayes	900,000
St. James	640,000
Majestic	690,000
Booth-Shubert	1,200,000
Columbia Radio Playhouse No. 1.	490,000
John Golden	310,000
Imperial	750,000
Music Box	600,000
Astor	1,750,000
40th Street Theatre	600,000
Globe	1,150,000
Mansfield	425,000
Biltmore	360,000
Barrymore	540,000
Strand	3,250,000
Forrest	410,000
Ambassador	510,000
Gaiety	2,250,000
Rivoli	1,650,000
Capitol	2,550,000
Hollywood	1,150,000
Guild	675,000
Al Jolson	1,350,000
Lincoln Square	1,035,000
Martin Beck	600,000
The New Criterion	6,750,000
Rialto	3,250,000
Playhouse	370,000
Windsor	435,000
Winter Garden	2,400,000
Lyceum	545,000
Cort	420,000
Belasco	565,000
Fulton	500,000
Vanderbilt	325,000
Henry Miller	475,000
Morosco	535,000
Broadhurst	475,000
Hippodrome	3,200,000

Bronx	
Grand	$1,090,000
Keith's Fordham	775,000
Valentine	500,000
Paradise	1,300,000

Brooklyn	
Albee	$1,725,000
Paramount	3,070,000
Werba's	450,000
Strand	600,000
Majestic	300,000
Fox (Flabtush Ave. & Nevins St.)	3,930,000
St. George (96-102 Pineapple St.)	187,000
Loew's Kings (Flatbush)	1,145,000
Loew's Metropolitan	1,040,000
Loew's Melba	430,000
Star	295,000
Tivoli	427,000
Oxford	130,000

Queens	
Madison, Ridgewood	$ 642,500
Keith, Flushing	788,000
Merrick, Jamaica	875,000
Valencia, Jamaica	1,100,000
Alden, Jamaica	483,000

Staten Island	
St. George	$ 635,000
Paramount	350,000

Commons Tables Film Quota Act Questions

LONDON, Feb. 2.—House of Commons today tabled questions on the Films Act, Tom Smith asking a statement on the producer demand for increased quota percentages, and Harry Day suggesting that a departmental committee examine the allegedly unsatisfactory quota position, with a view to the possible introduction of amending legislation.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 25 NEW YORK, MONDAY, FEBRUARY 6, 1939 TEN CENTS

Arnold Calls Divorce Main Suit Objective

Discloses Agreement to File Theatre Deals

WASHINGTON, Feb. 5.—In a statement issued late Friday by Thurman Arnold, Assistant U. S. Attorney General, in which was announced an agreement on theatre acquisitions relative to the Government trust suit against major companies, Arnold declared a primary object of the suit is to divorce production and distribution from exhibition.

Indication that such an agreement was formulated was published in MOTION PICTURE DAILY on Nov. 21, last.

(*Continued on page 3*)

Leaders Gather for Comerford Funeral

SCRANTON, Feb. 5.—Scores of industry executives from New York and theatre men from all over the east are expected to arrive here tonight and early tomorrow to attend funeral services for Michael E. Comerford in St. Peter's Cathedral at 9:30 Monday morning.

Comerford died in Miami Feb. 1, after an illness of one week. Burial will be in the family mausoleum in St. Vincent's Cemetery, Plymouth, Pa., near here. Bishop William J. Hafey of Scranton will pontificate at the solemn high mass of requiem.

Among the industry executives expected here for the services are Frank C. Walker, nephew of the deceased, who has headed the Comerford Circuit for the past five years; Ed Kuykendall, M.P.T.O.A. president; Ed Fay, head of Fay Theatres; Eddie Dowling, theatrical producer; Leon Netter, Paramount; F. J. A. McCarthy, Universal, and others from New York. Also many theatre operators from all sections of this state and New York.

"Mankind has lost a man in every sense of the word in the passing of M. E Comerford. His business ethics, his charitable deeds and his actions befit a great man. We have all lost a friend," declared Edward A. Golden, Monogram vice-president.

RKO Cuts in 2 More

RKO has cut the Sunday early bird price from 40 cents to 30 cents at the Kenmore and Dyker in Brooklyn. This coincides with similar revisions at nine Loew houses in Brooklyn and Manhattan on Saturday and Sunday.

League Asks Stand On Dickstein Bill

League of N. Y. Theatres, organization of legitimate stage producers, is polling its membership to determine what stand to take on the Dickstein bill, reintroduced in Congress. The bill would ban alien actors from appearing here. The league has opposed the bill in the past and is expected to take the same stand this year. In Albany, the league is pushing a bill to permit legitimate theatres to maintain bars with a reduced annual fee. It is contended that such houses are open only 24 hours weekly, for only part of the year, and that a reduced fee is in order.

92,816 Film Houses World Total in 1938

WASHINGTON, Feb. 5.—There were 92,816 motion picture theatres, both silent and sound, in 96 countries throughout the world at the end of 1938. In 1937 there were 89,097 theatres, an increase of 3,719 theatres. This is according to a survey by Nathan D. Golden, chief of the Motion Picture Division, U. S. Bureau of Foreign and Domestic Commerce.

Wired theatres at the first of the year numbered approximately 66,362,

(*Continued on page 6*)

PRODUCTION IN '37 COST 197 MILLION

No Major Consents Withdrawals Clears Way for RKO Plan

Deadline for withdrawal of consents to the reorganization of RKO passed Saturday with no major withdrawals thus assuring confirmation of the plan. Only several minor creditors filed statements revoking consents previously given.

Formal order of confirmation will be presented to Federal Judge William Bondy early this week together with a list of proposed directors and details of a proposed underwriting agreement. Signature is expected on Feb. 10, the date of the next hearing.

Ernest Stirn, holder of 1,234 shares of unconverted Class A stock is expected to file his appeal this week.

Review Board Meet Ends

National Board of Review wound up a three-day conference at the Hotel Pennsylvania on Saturday with its 24th annual luncheon. Speakers at the luncheon included Howard Dietz, M-G-M director of advertising and publicity; Louis De Rochemont, of the March of Time, and Dudley Murphy, director. Langdon Post was toastmaster.

Increased $78,398,492 From 1933, Census Report Shows

WASHINGTON, Feb. 5.—Motion picture production is shown by the United States Census Bureau to be embarked on a spending program outdoing even its best pre-depression efforts.

American producers in 1937 expended $197,741,358 in making films, in contrast to $119,342,866 in 1933 and $161,864,842 in 1935, it was reported. Thus is shown an increase in production expenditure in four years of $78,398,492.

The Bureau's biennial survey of production showed: Sharp reduction in the number of producers from 129 in 1935 to 83 in 1937; marked increases in employment, from 19,037 persons in 1933 to 27,592 in 1935 and 34,624 in 1937, accompanied by almost doubled payrolls, from $71,343,941 in 1933 and

(*Continued on page 6*)

W. B. Parleys Set In South America

Plans have been completed by Karl Macdonald, Warner supervisor for Latin America, for two South American sales conventions, the first of three days, scheduled to open today in Buenos Aires. Branch managers and salesmen will attend. Following the session Macdonald will go to Chile, where the office at Concepcion was demolished in the recent quake, to arrange for new quarters.

The second convention will take place at Rio de Janeiro on March 6, 7 and 8. Arthur Abeles, general manager for Brazil, will be in charge.

Walter Wanger Sues Para. for $80,403

Suit for $80,403 against Paramount Productions, Inc., was revealed on Friday in the N. Y. Supreme Court when Walter Wanger Productions, Inc., the plaintiff, filed application for an order directing Barney Balaban, president of Paramount, Walter B. Cokell, treasurer, Austin C. Keough, secretary, and Fred Mohrhardt, controller, to testify before trial.

Plaintiff claims the money is due under contracts made in 1935, whereby it produced nine motion pictures for Paramount for 25 per cent of the net profits. Improper charges were set up by Paramount in figuring the profits, the complaint stated, and at least $80,403 is still due.

Annual Academy Awards Nominations Are Listed

HOLLYWOOD, Feb. 5.—Nominations for the outstanding acting, direction and writing awards of merit, from which will be selected by ballot the winners in the eleventh annual competition of the Academy of Motion Picture Arts and Sciences. were made known here today. Auditors have completed the tabulation of thousands of votes, the deadline for which nominations was Friday at midnight.

Class A members of the Screen Actors' Guild nominated five players for the best performance by an actor; five players for the best performance by an actress; five for the best performance by a supporting actor, and five for the best performance by a supporting actress.

All directors fulfilling the minimum qualifications for senior membership in the Screen Directors' Guild cast their ballots for the five nominees for the award on best direction.

Those writers who fulfilled the qualifications for membership in the Screen Writers' Guild were invited to participate in the selection of five finalists for the award on the best written screenplay, as well as five finalists for the trophy marking the best original motion picture story.

Actors, writers and directors, to-

(*Continued on page 3*)

Entries in Quiz Total 2,152,000

Total of 2,152,000 entries were received in the industry's $250,000 Movie Quiz contest, according to a report made by Radio & Publications Contest, Inc., to Motion Pictures' Greatest Year campaign headquarters.

This is a return of about seven per cent on the basis of approximately 30,000,000 quiz booklets distributed. The campaign office estimates the return as close to 15 per cent, since it is believed that the great majority of contestants used two booklets, one as a "work sheet." The contest started Sept. 1 and ended Dec. 31.

The winner of the first prize of $50,000 may be brought to New York to receive the award, with newsreels covering the presentation.

On Feb. 14 the exhibitors campaign entries will be judged by a committee after a luncheon at the Astor.

Radio & Publications Contests, which handled receipt of the Movie Quiz entries and the preliminary judging, has completed its work.

Golden Inducts New Associates Officers

Some of the industry's outstanding leaders started as "film peddlers" Edward A. Golden, vice-president of Monogram, told the Motion Picture Associates when inducting the organization's new officers at a luncheon Friday at the Astor.

Sidney Kent, George J. Schaefer, Harry Cohn, Louis B. Mayer, Al Lichtman and many other topflight executives at one time sold film to exhibitors, Golden recalled. "And I'm proud to be a film peddler myself," he added, disclosing that he had joined the Associates, the membership of which is largely salesmen.

Harold Rodner of Warners praised the organiaztion for financial assistance given to the Will Rogers Memorial Commission, of which he is an executive, and promised the reciprocal cooperation of the commission in the MPA's charitable work.

Among other speakers were Jack Ellis, president, and Emil Ellis, his brother, who is an attorney. Herman Bing, comedian, provided some laughs.

Besides Jack Ellis, officers inducted include: Morris Sanders, first vice-president; Nathan Cahan, second vice-president; Morris Fraum, recording secretary; Charles Penser, financial secretary; Saul Trauner, treasurer; Louis Kutinsky, sergeant-at-arms; Joseph J. Lee and Nat Byer, trustees. David J. Kane continues as publicity and promotion director.

New members are Max Fried, Alfred Blumberg, Peter Saglembeni, Daniel Ponticello and Sherwood MacComber.

Grainger Due Today

James R. Grainger, Republic president, presided over a sales meeting in Pittsburgh over the weekend, attended by James H. Alexander, franchise holder, and his staff. He is due back today.

Schine Renews with Altec

The Schine Circuit has renewed sound service contracts with Altec Service Corp. for the coming year, covering 105 theatres. J. G. Selmser negotiated for Schine, and Bert Sanford and A. J. Rademacher for Altec.

Purely Personal

WALTER WANGER is expected in New York from the coast today. JOHN LEROY JOHNSTON is scheduled to arrive with him.

•

JACK WARNER, JR., arrived Friday from the coast with GRADWELL L. SEARS and MORT BLUMENSTOCK. He will remain in New York for some time, working in the theatre, distribution and publicity departments of Warners. He will later return to the coast to join the studio in a production capacity.

•

BEN MIGGINS, 20th Century-Fox manager in Continental Europe, and F. L. HARLEY, British head, have arrived from the coast. They sail Friday on the *Queen Mary*. HARLEY spent the weekend in Philadelphia.

•

COREY FORD and NORMAN MCLEOD left New York Friday for Hollywood to return to their posts as writer and director at the Hal Roach Studios.

•

LEON J. BAMBERGER, RKO sales promotion manager, is scheduled to speak before the Boston Advertising Club Feb. 21.

•

GABRIEL PASCAL, producer of "Pygmalion," is due in New York from the coast by plane tomorrow.

•

PAUL WIR, Central American manager for United Artists, is visiting relatives in Philadelphia.

•

H. M. RICHEY of RKO was ill with the grippe over the weekend.

•

HARRY GOLD of United Artists was in Washington over the weekend.

•

JACK CONNOLLY left Friday for Palm Beach.

•

RUDY SANDERS, local exhibitor, is in Florida.

J. CHEEVER COWDIN, Universal board chairman, is expected back from the coast by plane today or tomorrow. NATE J. BLUMBERG, president, is not expected until the end of the week and may leave for Florida on a brief vacation shortly after his return.

•

MIKE ROSENBERG, head of Principal Theatres in Los Angeles, and MRS. ROSENBERG sailed on the *Normandie* Saturday for a 24-day South American cruise. SONJA HENIE and party will board the boat at Nassau. So will LEE, JOHN and MRS. J. J. SHUBERT. MARC CONNELLY is also aboard.

•

WILLIAM WEISMAN, vice-president of WMCA, and MRS. WEISMAN, sailed Saturday on the *De Grasse* for a West Indies cruise. FRED COOTS, song writer, also sailed.

•

RALPH RAINGER and LEO ROBIN will leave Hollywood today for Miami to complete the score of the feature length cartoon "Gulliver's Travels."

•

F. CREMIEU JAVAL, head of British Acoustics, is due here on the *Queen Mary* from England on Thursday.

•

JOSEPH J. LEE of 20th Century-Fox and SOL KELSEY of the Snaper circuit are in Florida.

•

MARGARET CLANCY, secretary to SPYROS SKOURAS, is vacationing while SKOURAS is on the coast.

•

VICTOR MCLAGLEN will be the guest of EDDIE CANTOR on his broadcast tonight.

•

BEN WASHER was in Baltimore over the weekend and is due to return today.

•

RALPH RAVENSCROFT, independent producer, is in town.

Chance Games Ban Lifted in Syracuse

Ban on chance games at subsequent run theatres in Syracuse has been lifted by District Attorney Clarence Unckless, who held that the games could not be legally halted.

The Syracuse unit of New York Allied was instrumental in lifting the ban, after conferences with Mayor Marvin. The Allied committee included Rap Merriman, regional vice-president; George Smith, state director, and E. Thornton Kelly, state executive secretary.

Mayor Marvin on Jan. 1 instructed the subsequents to discontinue games, although he permitted them at the first runs, which play Bank Night. The first runs also have had "preview nights" when as many as four features are shown plus chance games. The 14 subsequents play games an average of twice a week, including Bingo, Banko, Ten-O-Win and others.

The Syracuse Allied unit has adopted a resolution declaring that lawful games or giveaways are a "necessity" at the subsequent runs in that city.

Branson Sets Route For Schaefer Drive

Walter Branson, who heads RKO's current George Schaefer Drive, will hold the following meetings this week with branch managers and their staffs: Today, Milwaukee, A. N. Schmitz, branch manager; Tuesday, Minneapolis, L. E. Goldhammer, branch manager, and S. W. Fitch of Sioux Falls, H. Woolfe of Winnipeg, H. F. Taylor of Calgary. Des Moines, Lou Elman. Wednesday, Kansas City, T. R. Thompson, branch manager and C. J. Dressel of Omaha. Thursday, Denver, J. H. Ashby. Friday, Salt Lake City, H. C. Fuller. Saturday, Portland, Mark Cory. Branson is accompanied on the trip by Harry Gittleson.

Silverstone Due Here

Maurice Silvertone, United Artists chief executive, is expected in New York today from the coast. His departure from Hollywood was delayed several days by conferences with John Hay Whitney, chairman of Selznick-International, on a new distribution deal. The conferences were not conclusive and are scheduled to be resumed in another three or four weeks.

N. Y. Allied Plans Session Each Week

New York Allied has scheduled one meeting a week in some part of the state. The Albany unit meets today, Buffalo on Feb. 13, Syracuse on Feb. 23. The New York City members will meet in the local office on March 1.

The annual convention is scheduled for the middle of May. Place of the meeting will be decided by the directors. It may be in an upstate city.

Grievance boards of three members are functioning in the various areas, with Buffalo leading in the number of disputes mediated. E. Thornton Kelly, state executive secretary, attends all meetings.

Monogram Pictures Recorded in Paris

Sound tracks in French are being recorded in Paris on many Monogram productions, according to Norton V. Ritchey, foreign manager. Local talent in France is being used for the French versions of pictures including "Atlantic Flight," which has been completed; "Gangster's Boy" and "Hoosier Schoolboy." Due to quota restrictions it is increasingly difficult to get import permits, Ritchey said.

Rose, Molly Picon to Be at Ampa Thursday

Billy Rose, Molly Picon and Russell Patterson, artist, are already lined up for Ampa's luncheon meeting Thursday at the Astor.

A new entertainment committee has been appointed, consisting of Elias Sugarman, Martin Starr and Vincent Trotta. The committee plans a big program for its initial effort.

Funeral Rites Held For Mrs. Silverman

Funeral services for Mrs. Rachel Silverman were held at the Temple Emanu-El yesterday. Mrs. Silverman, who died in her 95th year, was the mother of the late Sime Silverman. She is survived by two daughters, Sallie and Ann; a grandson, Sydney, publisher of *Variety*, and a great-grandson, Sydney, Jr.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

British Producers Delay Quota Memo

LONDON, Feb. 5.—English producer group still has failed to reach an agreement on a new memorandum which it is planned to submit to the Films Council on the quota situation, despite long meetings.

The crux of the problem is an increase in the quota figures. There is a possibility the group also will ask for an increase in the exhibitor quota percentages, as well as distributors' quota.

The producer group is still seeking the inclusion in the organization of American interests, and may modify its policy to bring that about. However, the Americans continue to maintain a cold attitude toward joining the organization.

Morros Planning to Import French Films

HOLLYWOOD, Feb. 5.—Boris Morros, former musical director at the Paramount studio, is planning formation of a New York company to import and distribute French pictures. He is due in New York tomorrow to confer with Leon Siritzki, French producer-distributor, who will be interested in the new company.

Morros plans to handle about 26 French films annually for the North and South American markets and may remake some of them in English versions. One of the alliances in negotiation is with R. A. C., French producing and distributing company.

Loew's in Baltimore Back to Film Policy

Loew's Century in Baltimore on Friday reverted to a straight films policy, with "Idiot's Delight," after 14 weeks of stage shows and pictures.

At the same time the night price became 40 cents anywhere in the house and matinees 25 cents. Previous scale was 40 cents in balcony and 55 cents in orchestra nights, and 35 cents matinee.

Stage show was a 30-minute overture, with orchestra on stage and dancing and singing acts. Business did not increase sufficiently to continue the policy plus the higher prices.

Bar 3 Col. Case Causes

The Appellate Division of the N. Y. Supreme Court has dismissed three causes of action in the stockholder's suit of Betty Davis against Columbia Pictures Corp., Jack and Harry Cohn, Joe Brandt and six other officers and directors of Columbia, on the ground that the causes are barred by the statute of limitations. The high court in its decision sustained the complaint as to the remaining causes of action.

Col. Men Leave for Coast

Columbia home office executives left New York over the weekend for the studio where they will confer with Harry Cohn, president, on new season production plans. In the group are Jack Cohn, vice-president; A. Schneider, treasurer; Abe Montague, general sales manager, and Joseph McConville, foreign manager. They will be at the studio for 10 days or two weeks.

Annual Academy Awards Nominations Are Listed

(Continued from page 1)

gether with all members of the Academy, cast ballots for the nomination of 10 productions for the statuette on production achievements.

The date for the annual Awards Banquet has been set for Feb. 23, at the Biltmore Bowl in Hollywood. Originally the banquet had been fixed tentatively for March 9, but the date was changed by the committee in order to make it conform more closely to the period of the calendar year.

The committee in charge of arrangement of the dinner includes: Mervyn LeRoy, chairman; Basil Rathbone, Robert Riskin, Howard Estabrook, J. LeRoy Johnston and Donald Gledhill.

Nomination ballots were sent out on Jan. 23, and the ballots for the final voting will be mailed on Feb. 10, to be returned by Feb. 20. Price, Waterhouse & Co. will tabulate the votes.

Representing the Academy on the awards committee are Frank Capra, president of the Academy and Screen Directors' Guild; W. S. Van Dyke and Estabrook. Screen Actors' Guild is represented by Gene Lockhart, Charles Trowbridge and Reginald Denny; the Screen Writers' Guild by Frances Goodrich, Albert Hackett and Sheridan Gibney, and the Screen Directors' Guild by John Cromwell, Clarence Brown and George Marshall.

Darryl F. Zanuck, Jack L. Warner and Louis B. Mayer represent the producer branch of the Academy, and Cedric Gibbons, Nathan Levinson and Joseph Valentine the technicians' branch. Alternates are Walter Kingsford, Anatole Litvak, Henry Hathaway, George Oppenheimer, Gilbert Gabriel, Melville Baker, Pandro Berman, William LeBaron, Hunt Stromberg, Hans Dreier and Vernon Walker.

Virtually every phase of production activity is included in the awards to be given.

List of Nominations

The nominations follow:

Best Picture—"Alexander's Ragtime Band", 20th Century-Fox; "Boys Town", M-G-M; "The Citadel", M-G-M; "Four Daughters", Warner; "Grand Illusion", World; Jezebel", Warner; "Pygmalion", M-G-M; "Adventures of Robin Hood", Warner; "Test Pilot", M-G-M; and "You Can't Take It With You", Columbia.

Best Actor—Charles Boyer in "Algiers"; James Cagney in "Angels With Dirty Faces"; Robert Donat in "The Citadel"; Leslie Howard in "Pygmalion"; Spencer Tracy in "Boys Town".

Best Actress

Best Actress—Fay Bainter in "White Banners"; Bette Davis in "Jezebel"; Wendy Hiller in "Pymmalion"; Norma Shearer in "Marie Antoinette" and Margaret Sullavan in "Three Comrades".

Best Supporting Actor—Walter Brennan in Kentucky"; John Garfield in "Four Daughters"; Gene Lockhart in "Algiers"; Robert Morley in "Marie Antoinette"; Basil Rathbone in "If I Were King".

Best Supporting Actress—Fay Bainter in "Jezebel"; Beulah Bondi in "Of Human Hearts"; Spring Byington in "You Can't Take It With You"; Billie Burke in "Merrily We Live"; Miliza Korjus in "The Great Waltz".

Best Director—Michael Curtiz for "Angels With Dirty Faces"; Norman Taurog for "Boys Town"; King Vidor for "The Citadel"; Michael Curtiz (again) for "Four Daughters"; Frank Capra for "You Can't Take It With You".

Best Screen Play—John Meehan and Dore Schary for "Boys Town"; Ian Dalrymple, Frank Wead and Elizabeth Hill for "The Citadel"; Julius J. Epstein and Lenort Coffee for "Four Daughters"; George Bernard Shaw for screen play and dialogue and W. P. Lipscomb, Cecil Lewis and Ian Dalrymple for adaptation of "Pygmalion"; Robert Riskin for "You Can't Take It With You".

Best Original Story—(Six nominations because of tie) Irving for "Alexander's Ragtime Band"; Rowland Brown for "Angels With Dirty Faces"; John Howard Lawson for "Blockade"; Dore Schary and Eleanore Griffin for "Boys Town"; Marcella Burke and Frederick Kohner for "Mad About Music"; Frank Wead for "Test Pilot".

Sound Recording—"Army Girl", Republic; "The Cowboy and the Lady", United Artists; "Four Daughters", Warners; "If I Were King", Paramount; "Merrily We Live", Hal Roach; "Suez", 20th Century-Fox; "Sweethearts", M-G-M; "That Certain Age", Universal; "Vivacious Lady", RKO; "You Can't Take It With You", Columbia.

Art Direction

Art Direction—"Adventures of Robin Hood", Warners; "Alexander's Ragtime Band", 20th Century-Fox; "Algiers", U. A.; "Carefree", RKO; "Goldwyn Follies", U. A.; "Holiday", Columbia; "If I Were King", Paramount; "Mad About Music", Universal; "Marie Antoinette", M-G-M; "Merrily We Live", Hal Roach.

Cinematography—"Army Girl", Republic; "Algiers", U. A.; "The Buccaneer", Paramount; "The Great Waltz", M-G-M; "Jezebel", Warners; "Mad About Music", Universal; "Merrily We Live", Hal Roach; "Suez", 20th Century-Fox; "Vivacious Lady", RKO; "You Can't Take It With You", Columbia; "The Young in Heart", Selznick-U. A.

New Haven Friends To Honor Ben Simon

NEW HAVEN, Feb. 5.—Ben Simon, manager of the 20th Century-Fox, will be honored on his 20th anniversary at a testimonial dinner. Barney Pitkin, RKO manager, is in charge of the affair, assisted by Thomas Donaldson, Lou Wechsler, Edward Ruff, Morris Joseph, Tim O'Toole, John Pavone, Earl Wright, Arthur Lockwood, Sam Rosen and Irving C. Jacocks. Harry F. Shaw, Loew-Poli division manager, will be toastmaster.

Plan K. C. Jubilesta

KANSAS CITY, Feb. 5.—Business men of Kansas City have voted to stage another Jubilesta, expensive Municipal Auditorium show, in 1939. Last year the show lost approximately $50,000.

B & K Suit Witness Refuses to Testify

CHICAGO, Feb. 5.—Abe J. Kaufman, B. & K. booker, called this morning to give a deposition before Master in Chancery McDonald in the independents' suit against B. & K. and the major companies, refused to testify. Rosenberg and Stein, defense counsel, went before Federal Judge Igoe to have Kaufman appear and testify. The petition was granted and Kaufman was ordered to appear.

B. & K. lawyers are preparing a brief to be submitted to Federal Judge Wilkerson stating why they think the independents' case should be dismissed. They claim special damages must be shown and have not been shown to date. A reply was filed today to the petition filed 10 days ago asking limitation of questions in depositions sought from plaintiffs.

Arnold Calls Divorce Main Suit Objective

(Continued from page 1)

Arnold's statement declared that Justice Department plans to seek temporary injunctions against further acquisitions by producer defendants have been dropped as a result of the agreement, whereby producers will notify the department immediately of all legally binding commitments or acquisitions.

On divorcement as a primary objective, Arnold declared that divorce was intended "so that those who control the making and booking of motion pictures will not also control theatres in which they are shown.

"The view of the department on this matter is that control of exhibition by producers and distributors is in violation of the anti-trust laws. Any decree of the court which may be rendered will be binding upon the defendants in their operations throughout the United States as well as in the New York area."

Under the agreement, monthly reports will be filed by each producer showing all changes in theatre holdings, theatres lost or disposed of, theatres acquired, and interests acquired in theatres, showing the nature and extent.

The department reserves the right to seek a preliminary injunction following receipt of these reports, if it feels the public interest so requires.

"Defendants engaged in the exhibition branch of the industry have represented to the department that they are not now pursuing theatre expansion programs and that they do not intend to do so pending final determination of the case upon its merits," Arnold declared, and continued, "The department is proceeding with the case on its merits, looking toward its trial and final decision. The foregoing undertaking of the producer-exhibitors is believed to afford the department appropriate opportunity, in the meanwhile, to protect the interests of independent exhibitors and the public."

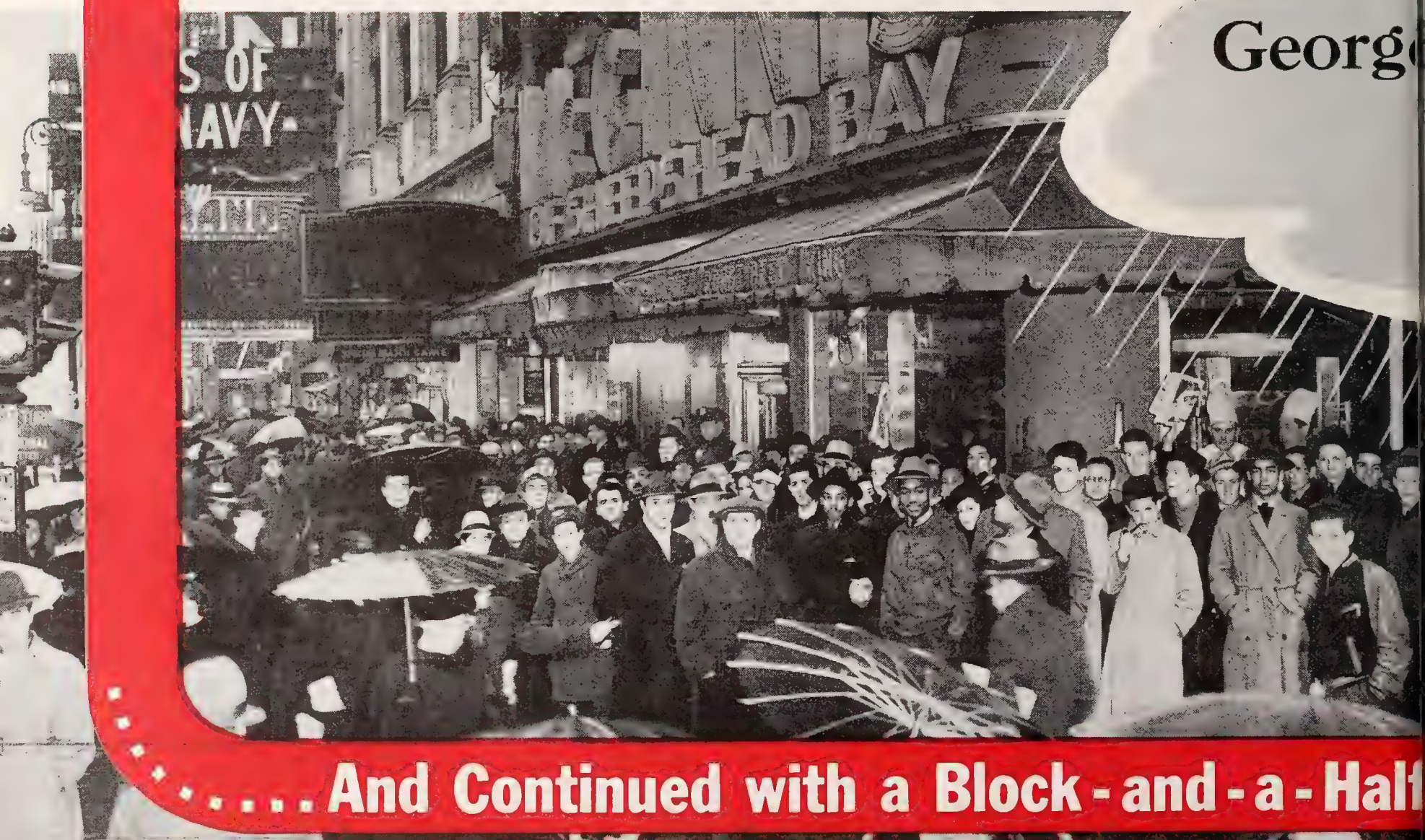
To Withdraw Snow White

Walt Disney's "Snow White and the Seven Dwarfs" will be withdrawn in the U. S. and Canada at the end of April. RKO executives said it might be reissued next year at this time.

THE RAIN BEAT DOWN– AND THE CROWDS BEAT DOWN THE DOORS!



The Lines Started Here!



Ready! As

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NOW ON B

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.....And Continued with a Block-and-a-Half

vertised! Warner Bros.' Next Holdover Sensation!

INGS OF
IE NAVY

VAY AFTER THE BIGGEST OPENING SINCE 'G-MEN!'

ing start for the epic of America's Flying Fleet . . . with

Brent · Olivia DeHavilland · John Payne

rank McHugh · John Litel · Victor Jory · Henry O'Neill

DIRECTED BY LLOYD BACON

A Cosmopolitan Production · Original Screen Play by Michael Fessier



Holdout at Every Performance since Last Friday!

'Fight', Show At $12,000 in Minneapolis

MINNEAPOLIS, Feb. 5.—Affected by weather conditions which swung abruptly from sub-zero and blizzards to mild weather, twin city grosses behaved erratically. A combination of "Fibber" McGee and "Disbarred" at the Orpheum for three days, followed by four days of "Stand Up and Fight" got $12,000. "Paris Honeymoon" at the State took $5,600 while "A Man to Remember" at the World did $3,000 in its second week.

In St. Paul "Kentucky" led at the Orpheum with $4,000, "Paris Honeymoon" doing next best with a $3,800 at the Paramount.

Estimated takings for the week ending Jan. 26:

Minneapolis:

"Little Tough Guys in Society" (Univ.)
"Comet Over Broadway" (W. B.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,900. (Average, $1,500)
"Dramatic School" (M-G-M)
CENTURY — (1,600) (25c-40c) 7 days. Gross: $2,400. (Average, $4,000)
"There Goes My Heart" (U. A.)
GOPHER—(990) (25c) 7 days. Gross: $3,100. (Average, $3,000)
"Disbarred" (Para.)
"Stand Up and Fight" (M-G-M)
ORPHEUM — (2,900) (35c-55c) "Disbarred" and "Fibber" McGee, 3 days; "Stand Up" 4 days. Gross: $12,000. (Average, $4,800)
"Paris Honeymoon" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $5,600. (Average, $4,400)
"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days, 2nd week. Gross: $3,000. (Average, $1,600)

St. Paul:

"Kentucky" (20th-Fox)
ORPHEUM — (2,000) (25c-40c) 7 days. Gross: $4,400. (Average, $3,200)
"Paris Honeymoon" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,800. (Average, $4,400)
"Blondie" (Col.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,900. (Average, $2,400)
"The Storm" (Univ.)
"Flirting With Fate" (M-G-M)
TOWER—(1,000) (25c) 7 days. Gross: $2,800. (Average, $1,600)
"Mayer'ing" (Pax)
WORLD—(400) (25c-35c) 7 days. Gross: $900. (Average, $700)

Confirm Dropping of British Labor Report

LONDON, Feb. 5.—Ernest Brown, Minister of Labor, has indicated by inference in the House of Commons that the plan to publish the British Government report on labor conditions in the British film industry had been abandoned, as was forecast recently.

Brown, queried in Commons, refused to answer questions on the long threatened proposal for a searching inquiry into British film labor conditions, and reiterated expressions of confidence in the value of collective agreements. He declared labor interests and exhibitors still are concluding agreements.

Next "Moto" Retitled

HOLLYWOOD, Feb. 5.—"Mr. Moto in Danger Island" is the final title selected for the next in the Moto series featuring Peter Lorre.

Signed by M-G-M

HOLLYWOOD, Feb. 5.—Jo Ann Sayers has signed an extended term contract with M-G-M.

New York Review

"Home on the Prairie"

(Republic)

"Home on the Prairie," Republic's latest Gene Autry feature, is routine western fare, generally, but is somewhat handicapped by a rather weak story. Aside from those moments when Autry is engaged in song and strummin' his "gitar," the picture could conveniently do with considerably more action.

Autry and his rotund side-kick, Smiley Burnette, are deputies in the Animal and Agricultural Commission when a hoof-and-mouth disease breaks out in the herd belonging to Belknap, a rancher. Belknap, fearing quarantine and ruin, plants several of the dead calves on the ranch of a neighbor, Wheeler, to throw suspicion that the disease is located there. Autry, who is in love with Wheeler's daughter, Martha, finally reveals where the guilt belongs.

For comedy relief, there are Burnette and, as something new in the way of a pet, an elephant belonging to an itinerant medicine peddler. With Autry and Burnette in jail and Wheeler's cattle about to be destroyed, the elephant wrecks the jail in the nick of time.

Running time, 65 minutes. "G."* JACK BANNER

**"G" denotes general classification.*

92,816 Was 1938 Film Houses Total

(*Continued from page* 1)

a gain of 3,358 over the preceding year's estimated total of 62,895.

The theatre census gives Europe 63,043 theatres, of which 37,578 are wired, compared with 59,187 theatres with 34,819 wired and operating a year before. However, almost 50 per cent of the European total is accounted for by Soviet workers' clubs and halls, largely with portable, silent equipment for film exhibition. Obviously, these are of virtually no consequence as a market for American films.

In addition, the European total includes Germany's 6,500 houses (with Austria and Sudetenland); where American distributors encounter currency restrictions and increasing trade complications; Italy's 4,049 theatres, which constitute a "lost" market for American companies currently, and Spain's 3,500 houses. The census places British theatres at 5,300; France, 4,600; Sweden, 1,907; Czechoslovakia, 1,305, and Belgium, 1,100. All other European countries have less than 1,000 theatres each.

United States is second numerically with an estimated 16,228 theatres open out of a total of 18,410. The Far East accounts for 6,201 theatres; Latin America, 5,239; Canada, 1,224, and Africa and the Near East, 881. Almost 50 per cent of the world's theatres are still unwired, according to the census, although no silent theatres are operating in the U. S.

Latin America showed an increase with 5,239 open as compared with 5,174 the preceding year. Of these, 4,571 were wired as compared with 4,355 at the end of 1937. Brazil, with 1,450 theatres, and Argentina with 1,021 are the only Latin American countries with more than 1,000 houses. Mexico has 823 and the drop then is abrupt to Cuba's 375.

The Far East's 6,201 compares with 5,796 the year before, representing a gain of 367 theatres and an increase of 927 wired theatres. Japan led with 1,749 to Australia's 1,371. Near East and Africa had 856 wired houses against 763 the preceding year. Canada's 1,224 are all wired houses and compare with 1,089 the preceding year.

Production in 1937 Cost 197 Millions

(*Continued from page* 1)

$104,429,588 in 1935 to $139,588,664 in 1937; heavily increased production of shorts, and testing out of color films.

Reported was a total of 3,942 theatrical films, with negative cost of $126,039,177, produced in 1937, compared with 1,094, costing $110,974,791 in 1935, and 1,059, costing $77,535,515 in 1933. Included in the first analysis of theatricals attempted, showing production of features over 3,000 feet in 1937 as including 12 in color, costing $8,777,149, and 1,087 in black and white, costing $112,043,405, and 92 shorts in color, costing $1,194,095, and 2,751 in black and white, costing $4,024,528.

Non-theatrical production negative cost was $5,715,977 in 1937, against $7,698,547 in 1935 and $4,744,354 in 1933, consisting of advertising and newsreels costing $4,539,515, against $4,939,964 in 1935; industrials costing $855,782, and educational and other films costing $320,680.

The Bureau reported also the expenditure of $33,074,784 on unfinished productions, against $15,683,826 in 1935. Under the heading of laboratory work, the report showed $8,218,421 spent for positive film against $6,046,071 in 1935 and $7,624,761 in 1933; receipts for work done for others of $15,317,921 against $15,089,496 in 1935; receipts for other work done, $3,467,947 against $1,818,139, and receipts for use of studio facilities, $5,907,131 against $4,553,972.

The report on distribution in the industry showed 35 establishments located in California, 21 in New York, seven in Illinois and 20 in other states. Los Angeles studios accounted for 30,405 of the total of 34,624 persons employed in 1937, half of whom were in 24 studios in the City of Los Angeles and the remainder in 11 studios in Los Angeles County, outside of the city.

Set French Penal Film

National Pictures is completing an adaptation of the French picture, "Back to Devil's Island," for the American market. E. M. Fadiman, president of National, expects to have the version ready for release within a few days.

'Sweethearts' $45,000 in 2 Boston Houses

BOSTON, Feb. 5. — "Sweethearts," dualled with "The Girl Downstairs," was the standout bill here, taking $20,500 at Loew's State and $25,000 at Loew's Orpheum, for a total of $45,500.

"The Great Man Votes" and "The Lady Vanishes" was strong, with $18,500, and "They Made Me a Criminal" and "Mr. Moto's Last Warning" took $17,000 at the Metropolitan.

Estimated takings for the week ending Feb. 1-2:

"Sweethearts" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $25,000. (Average, $13,000)
"Sweethearts" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $20,500. (Average, $11,000)
"The Great Man Votes" (RKO)
"The Lady Vanishes" (G.B.)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $18,500. (Average, $13,000)
"They Made Me a Criminal" (W. B.)
"Mr. Moto's Last Warning" (W. B.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $17,000. (Average, $12,500)
"The Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $8,000. (Average, $8,500)
"The Dawn Patrol" (W. B.)
"Nancy Drew, Detective" (W. B.)
7 days. Gross: $6,000. (Average, $4,500)
"Little Orphan Annie" (Para.)
(3 days with vaude.)
"Cipher Bureau" (F. N.)
(3 days with vaude.)
"Submarine Patrol" (20th-Fox) (4 days)
"Swing Sister Swing" (Univ.) (4 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $8,000. (Average, $10,000)

'Delight' $13,000 Leads Providence

PROVIDENCE, Feb. 5.—Business was spotty here, with "Idiot's Delight," paired with "Homicide Bureau," at Loew's State, leading with $13,200. Wintry weather was of no help to grosses.

"They Made Me a Criminal" and "Going Places" drew a good $9,000 at the Majestic.

Estimated takings for the week ending Feb. 1-2:

"Idiot's Delight" (M-G-M)
"Homicide Bureau" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $13,200. (Average, $10,000)
"They Made Me a Criminal" (W. B.)
"Going Places" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $9,000. (Average, $6,500)
"Girls' School" (Col.)
"The Mysterious Rider" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $6,500. (Average, $7,000)
"It Happened One Night" (Col.)
"Mr. Deeds Goes to Town" (Col.)
RKO-ALBEE — (2,239) (25c-35c-50c) 7 days. Revival. Gross: $4,500. (Average, $6,000)
"Devil's Island" (W. B.)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $7,000. (Average, $7,000)
"Trade Winds" (U. A.)
"Burn 'Em Up O'Connor" (M-G-M)
CARLTON—(1,526) (25c-35c-50c) 7 days. Gross: $2,000. (Average, $3,500)
"Tough Kid" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Stage show. Gross: $3,900. (Average, $3,000)

NAB Tried to Halt AFRA Pact Signing

National Association of Broadcasters on Friday made a last-minute effort to stay the signing of the agreement between the American Federation of Radio Artists, advertising agencies, and the networks, N. A. B. acted because of apprehension that network affiliated stations would be involved in the agreement.

Neville Miller, N. A. B. president, late Thursday wired Edward Klauber and Niles Trammell, executive vice-presidents of CBS and NBC, respectively, as follows: "Have been informed that NBC and CBS contemplate signing agreement with A. F. R. A. Urge you to consider carefully present and possible future effect your action may have on affiliates and that matter be discussed with affiliates before contract is signed."

The network's reply declared their part was merely to advise in order to make the contract as favorable as possible to advertisers and that they were not directly involved. The agreement does not affect affiliated stations, it was said.

The entire membership of the WABC chapter of the American Guild of Radio Announcers and Producers has joined A. F. R. A.

Salute KVOA Today On Its Joining NBC

A salute to KVOA, Tucson, on the occasion of its joining NBC as the 168th affiliated station of the network will be broadcast today on the Blue at 4:30 P. M. Program includes addresses by Senators Harry Ashurst and Carl Hayden and Representative John A. Murdock; musical salute by the NBC concert orchestra and selections by Thomas Thomas of the Metropolitan Opera, KVOA operates full time on a frequency of 1260 kilocycles and 1000 watts power.

Mutual Time Sales $315,078 in January

Continuing to show marked increases in billings, time sales at Mutual for January grossed $315,078, an increase of 16.7 per cent compared to the network's billings for the same month a year ago, when the total was $269,894.

FCC Calendar

WASHINGTON, Feb. 5.—Federal Communications Commission has announced its schedule of hearings for the current week, as follows:

Feb. 6: Applications of Central Broadcasting Corp. for a 1,500-kilocycle station at Worcester, Mass., with 100 watts power night, 250 watts day, and Kingston Broadcasting Corp., for a 1,500-kilocycle, 100-watt daytime station at Kingston, N. Y.

Feb. 7: Application of Station WFMD, Frederick, Md., for extension of time from day to unlimited.

Feb. 9: Applications of KSEI, Pocatello, Idaho, for change of frequency from 900 to 600 kilocycles and increase of night power from 250 to 1,000 watts, and KPAC, Port Arthur, Tex., for change of frequency from 1,260 to 1,220 kilocycles and extension of time from day to unlimited.

Radio Personals

JACK MILEY of the *New York Post* has a neat yarn of Stan Shaw's WNEW "Milkman's Matinee" in the current *Ken* . . . Fred Weber, manager of Mutual, to Cleveland and Chicago on business the past weekend, returning to New York today . . . Selznick-International Pictures has taken Tommy Dorsey's book, "Love in Swingtime," for possible production as a musical for the fall . . . Zasu Pitts has been signed for a guest appearance on the Fibber McGee show tomorrow . . . Maurice Dreicer, who heads and produces several WRN shows, has just returned from North Carolina where he recuperated following a month's illness . . . Florence W. Van Straten, daughter of Jacques Van Straten, WHN comptroller, has received a Doctor of Philosophy degree from New York University.

Two Men Quit CBS Publicity Department

Wally West and Carl Lloyd of the publicity staff at CBS left the employ of the network on Friday. Plans of West and Lloyd are indefinite. Arthur Perles, New York newspaperman, has been engaged to replace Fouche on the press desk where he will be responsible for the gathering, writing and editing of material other than that of the magazine department, which will remain in the hands of Ed Sammis. Perles' is the third appointment made by Lou Ruppel, who recently became head of the CBS publicity department.

Loft to Start New Air Show Over WOR

Loft Candy Co. will scrap its present script program on WOR and will present a new series titled "Well-Known People," which will be supervised by John Chapman, columnist on the *New York Daily News,* and Irene Kuhn, newspaper woman and magazine writer. Chapman will be presented Tuesdays from 7:15 to 7:30 P. M., and Miss Kuhn on Fridays from 11 to 11:15 A. M. Weekly guest stars from the stage, Broadway and the screen will be presented by each program conductor.

Georgia Station to Join CBS March 15

WRBL, Congress, Ga., will join the CBS network as a member of the south central group on March 15. On the same day WBRK, Pittsfield, Mass., will leave CBS to join the Mutual, Colonial and Yankee networks.

WRBL operates with a split power of 100 and 250 watts, on 1,200 kilocycles. Its base rate will be $125 per night hour.

WBRK will be Mutual's 110th affiliate. It operates on 1,310 kilocycles, 250 watts daytime power, 100 watts at night.

Handles Special Events

CINCINNATI, Feb. 5.—Clair Weidenaar has been appointed acting special events director of WKRC, CBS station here.

Unit to Produce Radio Plays Only

Radio Playguild, a producing unit, has been formed here, to produce plays exclusively for the air. Playguild is managed by a board of three—Bob Miller, chairman and production manager; Palmer Thompson, actors' representative, and Mel Elliott, actors' representative. Arrangements have been completed to present the plays over the facilities of WNEW.

Telecast Concludes Deal With Warners

HOLLYWOOD, Feb. 5.—Telecast Corp. of America, formed to act as national distributors of transcribed air shows, has contracted to serve Warners. The initial Warner transcription series is "Adventures of Uncle Jimmy," which is now in production.

Under deals now in negotiation, other producers along with Warners will distribute through Telecast. Telecast Corp. itself will not indulge in production except on a financing basis with outside producers in return for distribution rights.

Ohio Broadcasters Elect Reinsch Head

DAYTON, Feb. 5.—J. Leonard Reinsch, general manager of WHIO, was elected president of the Ohio Broadcasters' Association at the annual meeting in Columbus. Also elected were Vernon Prebble, general manager WTAM as vice-president; B. A. Manring, assistant manager WHKC, as secretary-treasurer. Retiring president is J. H. Ryan, vice-president WSPD.

NBC Gets 'Secret Agent'

Arrangements have been completed between NBC and the Radio Division of Heffelfinger Publications for NBC to serve as sole agent for the sale and world distribution of the program "Secret Agent K-7 Returns." The program will be produced and recorded in the New York studios of NBC. Deal was set by C. H. Pearson.

Vallee and NBC Win

Rudy Vallee and NBC won a decision in the Appellate Division of the N. Y. Supreme Court when the court unanimously affirmed a dismissal of a breach of contract suit brought by Ruvall Orchestra Corp., seeking $177,200 damages from Vallee, and $303,950 from National Broadcasting Co.

Plan New WHBC Studio

CANTON, Feb. 5.—A new studio and transmitter tower will be built by WHBC, Brush-Moore Newspapers station, with completion scheduled for mid-June, after which the station will operate on 250 watts daytime. The present 100 watts will be used evenings.

To Air "Gentle People"

Franchot Tone and Sylvia Sidney will do excerpts from their play "The Gentle People," as a highlight of the Kate Smith program Feb. 9 over CBS.

Appropriation Bill, In Today, Slated to Clarify FCC Status

WASHINGTON, Feb. 5.—First indications of Congressional sentiments on the situation in the Federal Communications Commission are expected to be disclosed tomorrow with the reporting of the independent offices appropriation bill to the House and release of the testimony taken by the appropriations sub-committee two weeks ago when Chairman Frank R. McNinch is understood to have been sharply questioned regarding his activities.

Rumors are current that the F. C. C. appropriation for the year beginning July, next, may be cut by the committee as evidence of its dissatisfaction with the conduct of the commission.

The bill will be taken up for consideration immediately upon its submission and critics of the radio body are expected to take advantage of the opportunity to voice their views when the commission items are reached.

During hearings on the bill last month all seven commissioners were called before the committee, but it is understood the questioning was confined to Chairman McNinch and Commissioner Paul A. Walker, whose handling of telephone company investigations came in for criticism. McNinch is said to have been on the stand for several hours, most of which time was devoted to defense of his activities and policies rather than consideration of the commission budget.

Nebraska Bill Asks Radio Restrictions

OMAHA, Feb. 5.—A bill prohibiting any life insurance company, doing business in the state from owning or operating a radio station except in furtherance of its own business has been introduced in the Nebraska legislature by Senator Sam Klaver, Omaha.

Klaver made no secret that the bill was aimed at the Woodmen of the World Life Insurance Company, owners of WOW. Klaver was denied a license for a local 100-watt station here last year.

Daughter Put on Air To Cheer Ill Mother

Cincinnati, Feb. 5.—The "human side of radio" was demonstrated by WKRC, Columbia station for Cincinnati when the station learned that Mrs. Glenna Bristow, confined to a local hospital for seven months with a contagious disease which prohibited visits from her 12-year-old daughter, was longing to hear the child's voice, and know how she was progressing with her music.

Arranging for installation of a radio at the mother's bedside, WKRC had the daughter participate in Ruth Lyon's "Woman's Hour," on which she was interviewed, and played two of her mother's favorite piano selections.

Last Call!



TO EXHIBITORS WHO HAVE NOT YET PLAYED IT!

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WALT DISNEY'S

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 26 NEW YORK, TUESDAY, FEBRUARY 7, 1939 TEN CENTS

Studio Heads Do Not Oppose Stars on Radio

Niles Trammel Says No Objections Raised

By JACK BANNER

Niles Trammel, NBC executive vice-president, declared yesterday he could find no Hollywood studio executive who had any objection to film stars appearing on the air, during his recent visit. His trip, he said, was an "inquiry" call. He had been sent to the coast to talk with film heads regarding methods of promoting friendlier relations between the two industries, following a visit which Will Hays, president of the M.P.P.D.A., had paid to Major Lenox Lohr, NBC president.

Trammel, asked if he had discussed the star appearance matter with Darryl F. Zanuck, who recently withdrew Tyrone Power from the air, said he had, but warily refused to be drawn into any further details of his conversation with Zanuck.

Problems Discussed

Problems affecting both industries were discussed, Trammell said, mentioning censorship, copyrights and labor relations as the "mutual prob-

(*Continued on page 3*)

"Made for Each Other"

[*Selznick-U. A.*]

HOLLYWOOD, Feb. 6.—"Made for Each Other" is a story of a man and his family. It is as appealing a domestic comedy-drama as anyone could desire. Never during the running time does it give audiences occasion to erupt into excited applause. Audiences will not be in a mood to tear up the seats upon its conclusion. But, teeming with down-to-earth human interest, blending natural homey humor with bits of seriousness that are part of the real or imagined lives of almost every average American family and reaching a note of near tragedy, the show has power to provoke laughter and tears.

"Made for Each Other" comes close to being the American family entertainment ideal. A parallel for everything that happens possibly

(*Continued on page 3*)

Falling Waters Save Ohio River Theatres

Theatres in the Ohio River valley appeared out of danger yesterday when reports indicated that head waters were receding. Small river towns in Kentucky and West Virginia were affected by the flood waters and many houses in this area were compelled to close when downtown business districts were flooded.

Business in almost all cities along the Ohio was badly off, with most of the population going down to the river front to watch the floods. RKO, Loew's, Warners, Paramount reported no damage.

Comerford Funeral Attended by 3,000

By JOSEPH POLLEY

SCRANTON, Pa., Feb. 6.—Sprinkled with national film, political and business executives, more than 3,000 crowded St. Peter's Cathedral and overflowed on its walks today for the funeral of M. E. Comerford, son of a mine worker who rose to own a circuit of 100 motion picture theatres scattered through New York and Pennsylvania.

Bishop William J. Hafey, head of the Scranton Diocese, pontificated at the solemn requiem mass at which a nephew of Comerford, the Rev. Paul

(*Continued on page 3*)

Sales Levy of 2% Is Seen Probable In New York State

ALBANY, Feb. 6.—Probability of a two per cent sales tax in New York State looms larger each day as a compromise in the fight on Governor Lehman's tax plans. Opponents of the planned new taxes of $1 per $1,000 on assessed realty value and one-fifth of one per cent on business turnover, are declaring for the sales tax, and it is believed the Republicans, in control of both houses, eventually will adopt the sales levy.

There was an emergency one per cent sales tax in 1933, but Governor Lehman has always opposed that form of taxation. A two per cent sales tax would yield from $100,000,000 to $120,000,000 annually, it is estimated. Owners of theatre property have not committed themselves on the real estate tax. Officially it is estimated New York State theatre property would yield from $800,000 to $1,200,000. Public hearings will be held Feb. 22.

WB to Push Wright Film

HOLLYWOOD, Feb. 6.—Warners today announced decision to push production on "The Story of the Wright Brothers," dealing with the inception of aviation. Gary Cooper is being sought for the leading role in the film which the company has been considering several years.

17,700,000 Feet of Film In Washington's Archives

WASHINGTON, Feb. 6.—Officials of the National Archives found 610 tons of film in the possession of the United States when they surveyed sources of film for the Government's permanent repository, it was disclosed today.

In the Federal offices in the District of Columbia alone, R. D. W. Connor, Archivist, told a House Appropriations subcommittee during hearings on the Independent Offices Appropriation bill, searchers found 17,700,000 running feet of motion picture film, approximately 3,000,000 still picture negatives and 5,500 sound recordings. Approximately 384,000 running feet of film have been acquired by the Archives, Connor stated, some of it official film but much comprising gifts from private sources.

Many of these pictures deal with the history of many years ago, he said. The Archives has one picture of the funeral of President McKinley, several made during Theodore Roosevelt's administration, films of Admiral Byrd's several expeditions, pictures of the building of the Panama Canal and a picture of the destruction of the *Hindenburg*.

While pictures received for the Archives are processed to some extent to preserve them, Connor urged that an appropriation of some $275,000 be provided for the purchase of equipment for making copies in practically permanent form. "Only partial preservation is possible with our present equipment," he said.

No other country has gone into the making of a film record to the same extent as the program now under way in the Archives, he declared.

Kansas House Gets Bill for Divorcement

Measure Would Affect 40 Affiliated Theatres

TOPEKA, Feb. 6.—A bill to prohibit production or distribution companies from owning, operating or having an interest in the operation of theatres in Kansas has been introduced in the House here by Representative Williamson.

The measure is the third affiliated theatre divorcement bill to be proposed, although the North Dakota measure is the only one which has been enacted. A ruling on the constitutionality of the divorcement legislation is expected from the U. S. Supreme Court this spring in the North Dakota case. A divorcement measure was introduced in the Nebraska Legislature last month. No action has been taken on it yet.

Like Dakota Bill

Williamson's bill is patterned after the North Dakota law. It provides a maximum fine of $10,000 and a year in prison for violations. There are approximately 40 affiliated theatres in the state which would be affected by enactment of the measure. All are owned by Fox Midwest, a subsidiary of National Theatres (20th Century-Fox).

Williamson, author of the bill, is a representative of Wyandotte County, which includes Kansas City, Kans.

"Stagecoach"

[*Wanger-U. A.*]

HOLLYWOOD, Feb. 6. — This, Ladies and Gentlemen of the box-office, is a western after your own hearts, the kind with which Tom Mix, Bill Hart and Bronco Billy Anderson used to please all the people all the time, but beneficiary of all the improvements the art-industry has accumulated since those pioneer delineators of the American pioneer rode the screen. This is, without question, the biggest and best such western Hollywood has turned out since the screen became self-conscious.

All the things that used to happen in the old fashioned westerns happen again in this one, but they happen here as if for the first time, so vigorous and fresh is

(*Continued on page 3*)

Purely Personal

W. G. VAN SCHMUS, managing director of the Music Hall, was confined to his home by a cold yesterday but is expected back at his desk this morning.

•

MYRON BLANK of Central States Theatres Corp., Des Moines, and G. RALPH BRANTON, business manager of Tri-States, have left for a three-week motor trip to the south, accompanied by their wives.

•

EMANUEL SILVERSTONE, MYER BECK, TOBY JAEDICKER, MORRIS KINZLER, AL MARGOLIS, JOHN O'CONNOR, FRED MEYERS, MAX FELLERMAN and NAT HOLT lunching at Lindy's yesterday.

•

JOHN BOLES arrived yesterday from Hollywood for a week's engagement at the Paramount, beginning tomorrow. He said he has no film commitments, is free lancing.

•

J. CHEEVER COWDIN, Universal board chairman, has returned from the studio. NATE J. BLUMBERG, president, is expected in New York next Monday.

•

MAURICE SILVERSTONE, United Artists chief executive, again extended his stay on the coast. He now plans to start east on Thursday or Friday.

•

J. J. MILSTEIN, eastern representative for EDWARD SMALL, returned yesterday after two weeks of production conferences at the studio.

•

DAVID PALFREYMAN of the Hays office attended the M.P.T.O. of Virginia convention in Washington yesterday. He returns tomorrow.

•

MRS. ANNA F. SAMUELS, wife of IRVING SAMUELS, president of the Automatic Devices Co. of Allentown, Pa., died recently in Miami.

•

GEORGE SCHWARTZ of Consolidated Amusement Enterprises has returned to his desk after being confined to his home with a cold.

•

LOUIS SILVERS, music director at the 20th Century-Fox studio, has arrived in town from the coast for a week.

•

MORRIS JOSEPH, Universal New Haven manager, has sailed for a 12-day cruise to Nassau and Havana.

MITCHELL MAY, Jr. CO., INC.

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Insiders' Outlook

By SAM SHAIN

"DID your man get a good interview today?" asked a producer the other day, and we answered: "The best interview we can give you is a review of your picture."

In today's issue of this paper, on page one, therefore, are two reviews, each on an important picture.

A short time ago a representative of the publicity department of a major company approached us with the remark: "How can we get a review on the front page?"

We answered: "By making pictures worthy of outstanding notice."

There is no better news, in our opinion, which a trade paper can publish, than good reviews of good pictures.

▼ ▼

Si Seadler informs us that "Idiot's Delight," all through the weekend and yesterday played to standing room at the Capitol. We, ourselves, tried unsuccessfully to crash that crowd Sunday evening.

▼ ▼

And Sid Rechetnick, not to be outdone, wants the world to know that he thinks "Wings of the Navy" has a chance of bettering the "Dawn Patrol" grosses in several pre-release spots.

▼ ▼

Our *piece de resistance* today comprises excerpts from an instructive address delivered before the National Board of Review on Saturday at the organization's annual luncheon, by Howard Dietz, advertising and publicity director of Loew's, Inc.

Dietz believes that contrary to certain criticism, the film industry does not underrate its mass audience.

"In fact," he says, "it can be well demonstrated that the growth of the film in the last 10 years, during which time it has doubled its audience, would rather suggest that the public is not only getting what it wants, but more of the public are getting to want it. Not all those who are critics work on newspapers. Each member of the public is also a critic, even if he does not appear in print.

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"Had the industry underrated the intelligence of its audiences, these audiences would have rejected its films long ago. This does not mean that movies should not improve.

"Can Hollywood keep the vast audience that it has gotten by continuing to give it the same thing with which it developed the audience? In other words, is a mere change of background enough? Must the same story be told again, or must it be told differently, or is there a new one?

"That Hollywood is attuned to this problem and has made its own gradual improvement in the work it does must come within the definition of a progressive attitude rather than a static one.

▼

"With regard to the crime problem—the movies do not deal with the crime problem, they deal with crime itself.

"As to the charge that films glorify war, I do not think it is the intention of producers to glorify war. In fact, quite the opposite.

"With regard to other changes, movies have been accused of boycotting the thought of contemporary events. Critics have pointed to the difficulties encountered by the film 'Blockade.' Regardless of the issues, the facts remain—that a producer made "Blockade' and it was not the film producers who interfered with it. Criticism of this kind should be directed solely against those who are responsible, not against Hollywood.

▼

"Yet the position of the film with regard to broad, topical questions must be examined carefully. First, the industry is an international one. More important than this, the lack of opportunity for selecting an audience makes the theatre a transient forum, enabling trouble to follow quickly with controversy on the screen.

"As to foreign films, the best of the foreign films are exceptionally good, but one must consider that the United States makes 400 films yearly, while the rest of the world makes almost 2,000, and yet the number of good foreign films which we get is comparatively small. American films are the favorite films of 73 per cent of the world audiences."

▼ ▼

Al Margolies, when asked yesterday how he felt after his first day as head of the publicity department at United Artists, replied:

"My first day back at United Artists gives me very much the feeling of the boy who was taken out of a progressive school and sent to public school. When he got home after his first day, his mother asked him how he liked public school as compared with the private, progressive school he had just left.

" 'Gee, Mom, it's great,' he said. 'You don't have to fight unless you wish to."

Today's Mail

EDITOR, MOTION PICTURE DAILY:

"I thing that one of the most outstanding pieces of work is the section relating to Monogram Pictures Corporation, which appeared in MOTION PICTURE DAILY Feb. 2. I think it is so artistically and otherwise well gotten up and presented that it represents one of the finest presentations e made by your paper.

"I certainly compliment you, and continue to wish you well, as always.

"Sincerely,

"SOL. A. ROSENBLATT."

New York, N. Y.

EDITOR, MOTION PICTURE DAILY:

"Do you know any reason why the trade papers and, under their leadership, the lay press, continually refer to 'the withdrawal of American distributors from the Italian market?' You might as well refer to the withdrawal from Italy of trade unionism, the Masonic order and non-fascist parties.

"The facts, and you know them, are that all companies were informed that beginning on Jan. 1, 1939, they could no longer trade independently in Italy, either through their own distributing offices or through agents and that all future dealings would have to be with the Government monopoly.

"No, Sam, it wasn't a strike but a lockout and I think the word 'withdrawal,' while gallant, is improperly used and should be substituted by the word 'expulsion.'

"Sincerely,

"DAVID BLUM."

New York, N. Y.

Ben Washer Assumes Duties With Abbott

Ben Washer, formerly U. A. publicity manager, took over his new duties yesterday as publicity chief for the George Abbott productions. Washer assumes the publicity job on three Abbott hits, "The Boys From Syracuse," "What a Life" and "The Primrose Path." Tomorrow, a fourth show, "Mrs. O'Brien Entertains," is scheduled to open at the Lyceum.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Quigley Awards to Be Decided Today

Alex Manta, president, Indiana-Illinois theatres; George C. Walsh, president, Neto theatres, Newburgh, N. Y., and Nat Holt, Cleveland district manager, RKO Theatres, are among the out-of-town executives expected in New York this morning to participate in the judging for the 1938 Quigley Grand Awards, sponsored by *Motion Picture Herald* and Managers' Round Table. Over 40 industry heads in distribution, exhibition and advertising will serve on the committee meeting at the Hotel Astor at noon today, according to the listing of acceptances received by A-Mike Vogel.

At luncheon to follow the judging, Merlin H. Aylesworth, publisher of the *New York World-Telegram*, and Martin Quigley will head the list of speakers to be introduced by Terry Ramsaye, editor, *Motion Picture Herald*.

Entries to be judged for the 1938 Silver and Bronze Grand Awards will be those which have earned the highest ratings over the four quarters of the year's competitions.

Studio Heads Not Opposed to Radio

(*Continued from page* 1)

lems." He refused, however, to reveal the specific nature of the conversations beyond saying they had been "satisfactory." Also, he preferred to keep private the names of studio leaders with whom he spoke.

Regarding complaints of exhibitors that the appearances of picture players in radio was hurting the box-office, Trammell said he was a bit impatient with such logic.

Good pictures, with sound stories and production, and good names in the cast, invariably do well at the box-office, he said. It is only the inferior picture that does not draw, he said.

"We have the same analogy in radio," he stated. "If we produce a good program we get a good audience. The same theory holds for pictures."

Pictures and radio have much in common and each industry has something the other can use profitably, Trammell said. He acknowledged that the presence of picture players on the air enhanced radio programs, but on the other hand, radio has done much for motion pictures through radio exploitation, he said.

Out of his conversations in Hollywood, he said, he hoped would evolve a common meeting ground for films and radio. His findings will be reported to Major Lohr when completed, he said.

Morros Here to Open Foreign Film Offices

Boris Morros, formerly music director at Paramount studio, arrived yesterday from the coast to set up an organization for the release of French films.

He said he is negotiating with United Artists, RKO and 20th Century-Fox for the remake rights to some of the films he is acquiring. Today he will also confer with John E. Otterson, head of Tri-National, which handles pictures from France.

Hollywood Previews

"Stagecoach"

(*Continued from page* 1)

John Ford's swashbuckling direction, Dudley Nichols' unabashed screenplay and Walter Wanger's budgetary liberality. The Apache pursue the stagecoach and the cavalry comes to the rescue, the wrongfully incarcerated young hero shoots it out with three bad men in the village street at dusk while the population makes itself scarce, the hero big heartedly forgives the girl her shady past, the absconding banker is caught, the slick gambler turns out to have a heart of gold and the sheriff sends the young man who has suffered too much on his way to Mexico instead of to jail. Yes, it's all there, and a good deal more besides, but it's never been done this way, nor this well, before.

The players engaged in all this do a handsome job. Grant Mitchell as a drunken doctor, John Carradine as a professional gambler, George Bancroft as a sheriff with a code of his own and John Wayne as a noble, straight-shooting young outlaw etch out memorable characterizations. So do Berton Churchill and Donald Meek. On the distaff side, Claire Trevor portrays a girl of the town effectively and Louise Platt has some high moments as the woman the stork overtakes en route.

The picture is at its very good best while the stagecoach of the title is rolling across such a stretch of western plain as the camera hasn't focused upon in easy memory, containing within its jouncing interior six people embodying as many vital and only coincidentally related stories. The attack by Apaches is climactic, the flight and fight are thrilling, and the rescue by cavalry is satisfyingly exciting. John Ford is entitled to a vote of thanks from the worldful of plain entertainment seekers he must have had in mind when he made the picture.

Running time, 97 minutes. "G."*

ROSCOE WILLIAMS

*"G" *denotes general classification.*

Mayflower Pictures Is Chartered in NY

Mayflower Pictures Corp., Ltd., of England has filed a designation statement with the Secretary of State at Albany qualifying it to do business in New York. The statement shows capital of £50,000 (approximately $250,000). Budd Rogers is the general manager in America.

A designation statement was also filed by Walt Disney Productions, which superseded Walt Disney Enterprises in name. Both companies were originally incorporated in Los Angeles. Disney Productions has authorized capital of $2,000,000, shares valued at $10.

"Made for Each Other"

(*Continued from page* 1)

could be found in every household. Jo Swerling's screen play is an understanding digest of those events and incidents. John Cromwell's direction made everything seem real. In the way the picture is acted, Carole Lombard and James Stewart are simply the prototypes of the average American husband and wife. The supporting cast, in which Charles Coburn and Lucille Watson are outstanding, are simply their employers, relatives, neighbors and associates. All seem to be living their roles.

Stewart's sudden marriage to Miss Lombard is a shock to his mother, Miss Watson. The couple experience all the joys and sorrows of married life. Miss Lombard has mother-in-law trouble; Stewart has office difficulties. The advent of the baby, of course, is a time for happy celebration. But as things go wrong for Stewart, when his fortunes at home and in the office are at lowest ebb, he does what lots of other men have done or would like to do—get drunk. Then the baby falls ill. Hard-shelled boss Coburn proves himself a real friend; Miss Watson becomes the real kind of mother and mother-in-law; aviator Eddie Quillan makes a spectacular cross country dash with life saving serum. Gripping suspense governs the sequences that lead to the baby's recovery. High humor is the quality ruling those in which Stewart establishes himself as master of his own household; those in which he metamorphoses from a mouse to a man in the office.

Running time, 97 minutes. "G."*

G. McC.

*"G" *denotes general classification.*

Cassell Application On RKO Plan Denied

U. S. Circuit Court of Appeals yesterday denied the application of H. Cassell & Co., holders of $217,000 face amount of RKO debentures, for leave to appeal to it from Federal Judge William Bondy's order approving the RKO reorganization plan. The application was denied on the grounds that an appeal could be taken by any RKO creditor as a matter of right.

According to the decision, Cassell may apply to the District Court for permission to appeal under the Chandler Act without question of its right to do so.

Indications are that the order for confirmation of the plan will be sent out to all RKO creditors tomorrow in order that they will have had at least two days notice of the order's provisions by the time of the next hearing, Friday, before Judge Bondy.

3 Studio Disputes Settled by IATSE At Agents' Meeting

HOLLYWOOD, Feb. 6.—At a meeting today of business agents of virtually every union engaged in motion picture production and presided over by Aubrey Blair, Screen Actors' Guild executive, it was announced that I. A. T. S. E. by arbitration had settled differences with machinists, carpenters and plasterers international locals here.

Business representatives of unions renewed the pledge to settle differences amicably and with Blair acting as arbiter in jurisdiction disputes. Both he and other union executives said the studio utility employes' argument with I. A. T. S. E. would in all probability be settled by the end of the week. The move to adjust differences followed closely recent return of complete autonomy by International to I. A. T. S. E. Locals 37, 659, 695 and 683.

3,000 at Comerford Funeral in Scranton

(*Continued from page* 1)

J. Carey, Wilkes Barre, was the deacon. The body later was taken to the Comerford Mausoleum at St. Vincent's Cemetery in Plymouth. Comerford, who died in Miami last Wednesday night following a stroke, was born in Plymouth almost 71 years ago.

Among the notables attending the services were Ambrose O'Connell, Second Assistant Postmaster General; Carl E. Milliken, M. P. P. D. A.; Tom Connors and Ted O'Shea, M-G-M executives; Judge Larkin, Rome, N. Y.; Michael Killatt, Oneida, N. Y.; Joe Miller, Buffalo; William ("Dinty") Moore, New York; F. J. A. McCarthy, F. F. Murray and Al Herman, Universal; George Swartz, Philadelphia.

Also Jules Levy, RKO general sales manager; Harvey Day, Educational-International; Edward Fay, Providence; Eddie Dowling, New York; William Catoret, Rochester; Leon Netter, Paramount executive; D. M. Olmstead, New York; J. R. Grainger, Republic president.

There were no honorary pallbearers. Six nephews of Comerford served as pallbearers.

Dr. Engel's Book on Dieting Is Published

Doctor William Engel, New York physician and brother of the veteran production executive, Joe Engel, has written a book entitled, "Sensible Dieting," which has just been published by Alfred A. Knopf. The book is based on long experience and intensive study by Doctor Engel on the subject of foods and their effects. Many Hollywood personalities have been patients of Doctor Engel.

Hoffberg Gets 'Ma Mere'

J. M. Hoffberg Co., Inc., has acquired the American distribution rights to "Mlle. Ma Mere," starring Danielle Darrieux, from Joseph Auerbach, French producer.



LET US

MAUREEN
O'SULLIVAN

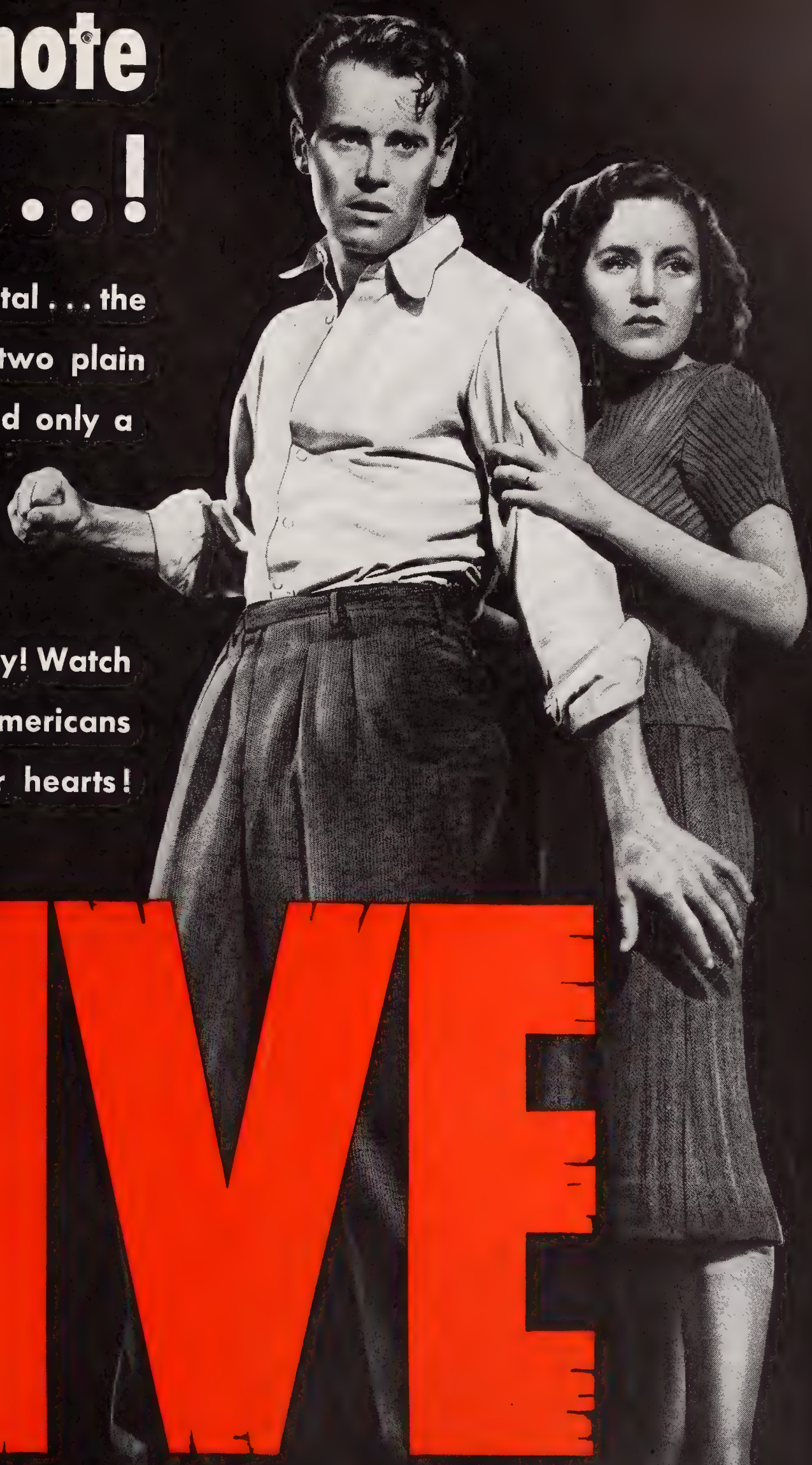
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RALPH
BELLAMY

ALAN BAXTER • STANLEY RIDGES • HENRY KOLKER

The keynote of 1939...!

Sincere . . . stirring . . . vital . . . the dramatic love story of two plain honest kids who wanted only a chance to live their lives, but who found all the world arrayed against them unmercifully! Watch millions of everyday Americans take these two to their hearts!



LIVE

Screen play by ANTHONY VEILLER and ALLEN RIVKIN. Based upon a story by Joseph F. Dinneen.

Directed by JOHN BRAHM

Produced by William Perlberg

A COLUMBIA PICTURE

COLUMBIA PICTURES

Tax of 5-15 Cents Asked in N. Dakota

BISMARCK, N. D., Feb. 6.—Seeking new sources of revenue, North Dakota legislators, in session here, discussed at a session of the House Committee on Taxes and Tax Laws a proposal to levy a flat tax on theatre admissions—five cents on tickets selling for 11 to 50 cents; 10 cents for admissions from 51 cents to $1, and 15 cents over $1.

Theatre owners countered with a proposal to double the present sales tax rate of two per cent—in other words, a four per cent levy as compared to the new plan which would run from 10 per cent almost to 50 per cent.

The latter tax, according to testimony of John Kennelly, Mandan, secretary of the North Dakota independent theatre organization, would make serious inroads on theatre revenue. When price levels are once established in different communities, he said, any variation, either upward or downward, cuts the gross revenue.

Walter Wanger Here; Going to Dartmouth

Walter Wanger arrived in New York from the coast by train yesterday for conferences with Charles Schwartz, his New York attorney, and will attend the Dartmouth College Ice Carnival at Hanover, N. H., this weekend, where he will make background shots for his own "Winter Carnival," a coming production.

Two camera crews left for Hanover yesterday morning. Bert Glennon is in charge of the Wanger crew while Frank Zucker and Ray Binger will shoot some material for Samuel Goldwyn. Bill Kelly, who assisted Hal Mohr on the William K. Howard production, "Back Door to Heaven," at Astoria, leaves tomorrow to join Glennon. Also on the Hanover scene for Wanger next weekend will be Otho Lovering, editorial assistant; Lowell Farrell, assistant director of "Winter Carnival"; Dan Keefe, production manager; Budd Schulberg, on script assignment, and Percy Guth, comptroller.

Wanger, who returns to the coast in about a week, said he expects to start work on "Personal History" in the near future. During a train-ramp interview he expressed the belief that, properly regulated, the radio appearances of stars could be turned to the benefit of their films and of theatre attendance.

Chaplin Film Will Start by March 15

Hollywood, Feb. 6.—Charlie Chaplin has completed the script for his forthcoming film, "The Dictators," according to Murray Silverstone, head of United Artists operations. Production will start before March 15 and early fall release is planned.

"The story is, naturally, concerned with dictators, but its primary purpose is to make people laugh," Chaplin told Silverstone. The film will open the fall season for U. A., Silverstone declared.

Quiz Annoucement Postponed to Feb. 27

Because of the large number of entrants being considered by the judges in the $250,000 Movie Quiz contest, the date for the announcement of winners has been postponed for one week, to Monday, Feb. 27.

Arrangements for forwarding to each theatre a list of the winners are unchanged. The judges found that they required more time to complete the judging of the entires. The hour for the announcement on the Monday evening scheduled also remains unchanged, any time after 8:30. National Screen Service has prepared a trailer with the new date, which is available at National Screen exchanges.

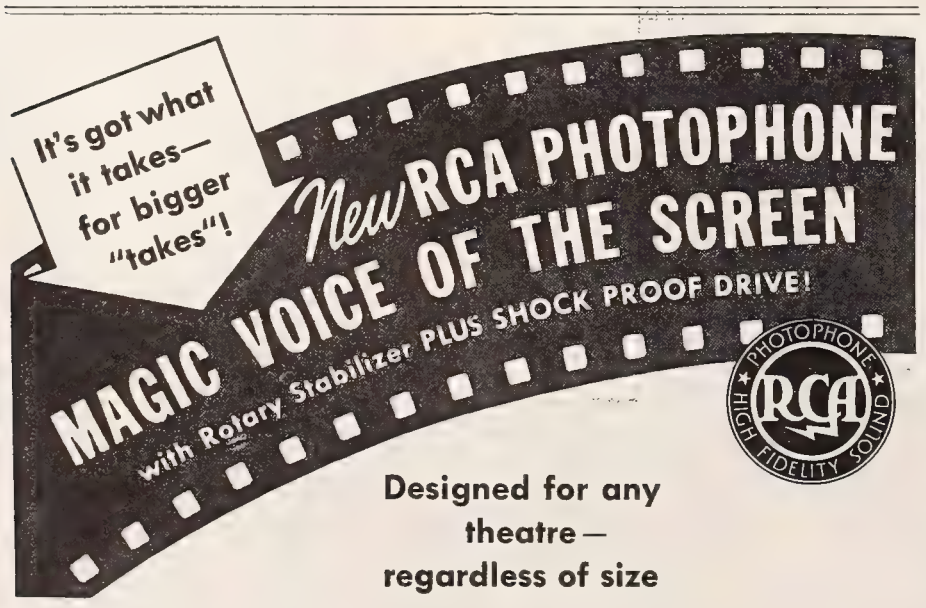
20th-Fox Picketed By Operators' Local

Operators' Local 306 yesterday posted a picket line in front of the 20th Century-Fox home office and Movietone News after calling out eight operators.

The dispute is over an alleged dismissal of four men. The company claims only two were fired and that the union had agreed to the dismissal, after negotiating a 10 per cent increase.

The dispute has been in progress for several weeks. The 20th Century-Fox home office closed its projection room last Thursday. Another man was let out at the exchange. The company claims it has been overstaffed.

A committee from the local is continuing negotiations with W. C. Michel, executive vice-president of 20th Century-Fox.



Block Booking Bill Hearing Opens Soon

WASHINGTON, Feb. 6.—Plans for hearings on block booking legislation are expected to be made within the next few days at a meeting of the subcommittee which has been put in charge of the measure by Senator Wheeler of Montana, chairman of the Senate Interstate Commerce Committee.

Senator Ellison D. Smith of South Carolina will be chairman of the subcommittee, on which also will serve Senators Alben W. Barkley of Kentucky, Majority Floor Leader, and Matthew M. Neely of West Virginia, author of the bill, with Wallace H. White, Jr., of Maine, and Charles W. Tobey of New Hampshire as Republican members.

AAAA Pledges Aid To Musical Guild

Full support of the Associated Actors and Artistes of America was pledged at an international board meeting yesterday to the American Guild of Musical Artists in the latter's efforts to secure a contract with Columbia Concerts Corp. and NBC Artists Service, the artist manager subsidiaries of the networks. Representatives of the Screen Actors' Guild, Actors' Equity, Chorus Equity, American Federation of Actors, and American Federation of Radio Artists stated that their branches would take steps to endorse the action of the A.A.A.A. The board also passed a resolution congratulating A.F.R.A. on its success in recent contract negotiations with advertising agencies. The board declared that attention to thte A.G.M.A. negotiations would be the "paramount business for the next month."

'Tail Spin' Airavan Is Due Here Today

"Tail Spin" tour of four women and eight studio girls, which started from Los Angeles Jan. 28, winds up this afternoon at Newark Airport. The airavan stopped in 18 cities for receptions and delivery of "Tail Spin" prints to exhibitors.

A dinner at the Waldorf-Astoria Thursday night in honor of the Ninety Nine Club, organization of women aviators, will officially conclude the air tour.

Settle 20th-Fox Suit

Suit brought by Edmund Benguiat against 20th Century-Fox for alleged infringement of his play, "Take the Air," in the film, "Wake Up and Live," has been settled in the N. Y. Supreme Court. Terms of the settlement were not revealed.

Zeidman Here for Deal

B. F. Zeidman, independent producer, is here from Hollywood to negotiate a state rights releasing deal on 12 films he plans to make. It is understood the Malcom Brown Laboratories are interested in the venture.

Invite 1,600 to Preview

HOLLYWOOD, Feb. 6.—Sixteen hundred invitations have been issued for the preview of 20th Century-Fox's "The Little Princess," the new Shirley Temple picture in color, Feb. 17, at the Cathay Circle here.

Quota Amendments Will Be Submitted

LONDON, Feb. 6.—Board of Trade this week is expected to present to the Films Council amendments designed to adjust the alleged discrepancies in the multiple quota provisions of the Films Act.

A committee of the Cinematograph Exhibitors' Association also this week will consider the report of the committee named at the last General Council meeting on the quota. It is expected to oppose the producer demand for increased quota percentages.

Col. Asks Dismissal Of Milton Spitz Suit

Columbia Pictures Corp. has filed a motion in U. S. District Court seeking dismissal of the $500,000 infringement suit brought by Milton Spitz, copyright owner of "U-Spot-It," against Motion Pictures Greatest Year, Inc., the major companies, and several other defendants. Complaint states that the Movie Quiz is an infringement of plaintiff's contest idea, and Columbia contends that it fails to state a cause of action and that plaintiff's game is a lottery. Federal Judge William Bondy will hear argument on the motion on Feb. 17.

Brandt Closes Deal With Alexander Film

Harry Brandt, president of Brandt Theatres, and president of the I. T. O. A. of New York, has renewed a contract for the third year for commercial films made by Alexander Film Co.

NSS Seeks Injunction

National Screen Service filed notice in the Federal Court yesterday that it will apply for a temporary injunction against Trailer-Made, Inc., to restrain alleged use of plaintiffs' sound tracks by the defendant. Application is in connection with infringement suit against Trailer-Made, Isidore Schwartz and Pathe Film Corp.

Two Trustees Named

Milton C. Weisman and Kenneth Stenrich were appointed trustees under the plan for the liquidation of Fox Theatres Corp. in an order of Circuit Judge Martin T. Manton, filed in the U. S. District Court yesterday. Weisman, as receiver, is directed to file a final accounting of the company's financial situation within 60 days.

'Love Some One' To Open Tonight

"I Must Love Some One" a play by Jack Kirkland and Leyla Georgie, which traces the careers of the Florodora Sextette, opens tonight at the Longacre. Frank Merlin directed and Kirkland is the producer. Included in the cast are James Rennie, Martha Sleeper, Harry C. Bannister, Jean Casto, Charles Ansley and others.

'Jesse James' in Washington Shows Way with $18,500

WASHINGTON, Feb. 6. — "Jesse James" pulled a smash $18,500 at Loew's Palace despite a week which saw a galaxy of Hollywood stars descent upon Washington and take the town over.

"They Made He a Criminal," with $16,500 at Warners' Earle and "The Cowboy and the Lady" with $5,000 at Loew's Columbia, were runners-up.

Estimated takings for the week ending Feb. 2:

"Thanks for Everything" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Roscoe Ates. Gross: $15,000. (Average, $16,500)
"The Cowboy and the Lady" (U. A.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $4,200)
"Jesse James" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $18,500. (Average, $11,500)
"The Lady Vanishes" (20th-Fox)
RKO-Keith's—(1,836) (25c-55c) 7 days. Gross: $7,500. (Average, $10,000)
"They Made Me a Criminal" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Lionel Stander. Gross: $16,500. (Average, $16,000)
"Off the Record" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Gross: $3,600. (Average, $4,000)

N. Y. Bill to Exempt Theatrical Agencies

ALBANY, Feb. 6.—Three new proposals to amend the labor law by establishing state control and regulation of fee-charging agencies are in the legislative mill, with one exempting theatrical employment agencies outright. Assemblymen Ralph Schwartz, James J. Lyons and Oscar Garcia-Rivera are the sponsors, with the Schawrtz bill specifying that the article does not apply to theatrical agencies "booking or contracting for acts, artists or attractions" for radio broadcasting or motion picture presentations."

The Lyons and Garcia-Rivera bills exempt theatre circuits with 20 or more houses and radio networks from application of the employment agency provision.

Legion Approves 8 Of 10 Films Viewed

National Legion of Decency approved eight of 10 films received and classified this week. Five were found unobjectionable for general patronage, three unobjectionable for adults, and two were found objectionable in part. The films and their classifications follow.

Class A-1, Unobjectionable for General Patronage—"Hell's House," "Mr. Moto Takes a Vacation," "Ranger's Round Up," "Silver on the Sage" and "Torchy Blane in Chinatown." Class A-2, Unobjectionable for Adults—"Gambling Ship," "Honolulu" and "Made for Each Other." Class B, Objectionable in Part—"Sunset Murder Case" and "Tail Spin."

Rhoden on Jubilesta

KANSAS CITY, Feb. 6. — Elmer Rhoden, head of Fox Midwest Theatres, Inc., has been elected a member of the executive committee of the Jubilesta, big Municipal Auditorium show held each fall.

Operators Testify In "Big" Nick Suit

St. Louis, Feb. 6.—Fifteen members of the Motion Picture Operators' Union are giving their depositions behind closed doors in their suit to oust John P. "Big" Nick, head of the local theatrical unions; Clyde Weston, business agent of Local 143, and George Browne, I.A.T.S.E. president, from control of their union.

Secrecy in the examinations was requested of Special Master Hyman Stein by William Dillon, attorney for the defendants.

'James' $14,700 Omaha Sensation

OMAHA, Feb. 6.—"Jesse James" smashed all records here, taking a $14,700 gross for the week.

"Paris Honeymoon" dualled with "Flirting With Fate" at the Omaha, had a good run and was estimated at $8,200 for the week. "Son of Frankenstein" dualled with "Annabel Takes a Tour" drew $4,200 at the Brandeis.

Estimated takings for the week end-Feb. 1-2:

"Son of Frankenstein" (20th-Fox)
"Annabel Takes a Tour" (RKO)
BRANDEIS—(1,800) (25c-35c-40c) 7 days. Gross: $4,200. (Average, $4,000)
"Paris Honeymoon" (Para.)
"Flirting with Fate" (M-G-M)
OMAHA—(2,200) (25c-40c) 5 days. Gross: $8,200. (Average, $5,500)
"Jesse James" (20th-Fox)
"Swing, Sister, Swing" (Univ.)
ORPHERUM—(3,000) (25c-40c) 7 days. Gross: $14,700. (Average, $7,200)

'Idiot's Delight' Is $13,500 Cleveland

CLEVELAND, Feb. 6.—"Idiot's Delight" was tremendous at Loew's State with $18,500.

"Off the Record" on the RKO Palace screen with an all-star stage show featuring Roger Pryor, Ann Sothern and Eleanore Whitney took $18,000. "Pacific Liner" drew $4,000 at the Allen. Weather was fair.

Estimated takings for the week ending Feb. 3:

"Pacific Liner" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days. Gross: $4,000. (Average, $4,000)
"Jesse James" (20th-Fox)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days, 2nd week. Gross: $10,000. (Average, $12,000)
"Off the Record" (W. B.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Roger Pryor, Ann Sothern, Eleanore Whitney. Gross: $18,000. (Average, $15,000)
"Idiot's Delight" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $18,500. (Average, $13,000)
"Four Girls In White" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $3,000. (Average, $4,000)
"South of the Highway" (Scandinavian)
CITY—(485) (35c-42c) 7 days. Gross: $1,200. (Average, $1,200)

Phila. Club Meets

PHILADELPHIA, Feb. 6.—Showman's Club of Philadelphia held its first meeting Saturday at its clubrooms in the St. James Hotel. Dave Rosen and Allan Lewis handled the entertainment. Over 200 attended.

'Citadel' $13,500 To Lead Montreal

MONTREAL, Feb. 6.—"The Citadel" raised the take at the Palace to $13,500. "Topper Takes a Trip" registered $5,500 at the Orpheum, while Loew's grossed $9,000 with Count Berni Vici's stage unit and "The Mad Miss Manton." "Young Dr. Kildare" on a double bill at the Princess accounted for $6,500, and the Capitol double bill headed by "There's That Woman Again" grossed $8,500.

Estimated takings for the week ending Feb. 4:

"There's That Woman Again" (Col.)
"Smashing the Spy Ring" (Col.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $8,500. (Average, $9,500)
"The Mad Miss Manton" (RKO)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Stage: Count Berni Vici's Stars Over Broadway and "Hello Stranger" Schlepperman. Gross: $9,000. (Average, $8,000)
"Topper Takes A Trip" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,500. (Average, $5,000)
"The Citadel" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $13,500. (Average, $11,000)
"Young Dr. Kildare" (M-G-M)
"Swing, Sister, Swing" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $6,500. (Average, $7,000)

'Criminal' at $6,200 Is New Haven Leader

NEW HAVEN, Feb. 6.—Second week of "Jesse James" and "Vacation from Love" at the College took $4,300. At the Roger Sherman "They Made Me a Criminal" and "Swing That Cheer" grossed $6,200. "Idoit's Delight" and "Burn 'Em Up O'Connor" took $9,000 at the Loew-Poli.

Estimated takings for the week ending Feb. 3:

"Jesse James" (20th-Fox)
"Vacation from Love" (M-G-M)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $4,300. (Average, $2,500)
"Idiot's Delight" (M-G-M)
"Burn 'Em Up O'Connor" (M-G-M)
LOEW-POLI—(3,040), (35c-50c) 7 days. Gross: $9,000. (Average, $8,000)
"Son of Frankenstein" (Univ.)
"Freshmen Year" (Univ.)
PARAMOUNT—(2,348) (35c-50c) 8½ days. Gross: $4,500. (Average, $4,400)
"They Made Me a Criminal" (W.B.)
"Swing That Cheer" (Univ.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,200. (Average, $4,700)

'James' Big in San Francisco With $21,000

SAN FRANCISCO, Feb. 6.—Two pictures were standouts in an otherwise poor week. "Jesse James" drew $21,000 at the Fox and "Fisherman's Wharf" pulled $17,500 in its world premiere at the Golden Gate.

"Son of Frankenstein" dualed with "Swing, Sister, Swing" for $8,200 at the Orpheum.

Estimated takings for the week ending Jan. 31-Feb. 3:

"Fisherman's Wharf" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $17,500. (Average, $16,000)
"Trade Winds" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 3rd week. Gross: $5,500. (Average, $7,000)
"Son of Frankenstein" (Univ.)
"Swing, Sister, Swing" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $8,200. (Average, $8,500)
"Jesse James" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $21,000. (Average, $17,000)
"Idiot's Delight" (M-G-M)
"Torchy Blane In Chinatown" (W. B.)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $9,500. (Average, $13,000)
"Stand Up and Fight" (M-G-M)
"Thanks for the Memory" (Para.)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $5,200. (Average, $7,000)
"Devil's Island" (W. B.)
"Off the Record" (W. B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $10,500. (Average, $13,000)
"Unfinished Symphony" (G. B.)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $875. (Average, $1,300)
"Tales from the Vienna Woods" (Zwicker)
LARKIN—(390) (15c-35c-40c) 7 days.

Three Firms Chartered

ALBANY, Feb. 6.—Three new film companies incorporated here include Juno Films, Inc., by Edward I. Singer, Lillien Schwartz and Nat H. Karper; United Screen Associates, Inc., by Irving Klein and Harvey N. Kirlan, and State Palace Corp., by Marie Caputo, Harriet Cohen and Julian Buchbinder.

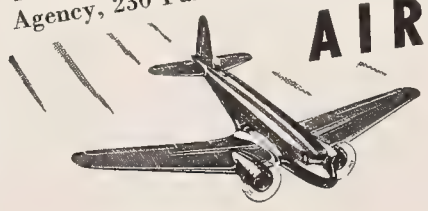


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Case Is Confirmed For FCC; Inquiry Demand Renewed

WASHINGTON, Feb. 6.—Radio matters occupied the attention at both sides of the Capitol today, with the Senate confirming President Roosevelt's renomination of Norman S. Case for another term on the F. C. C., while, in the House, Representative Wigglesworth (Rep.), Mass., renewed his demand for Congressional investigation of the Commission.

"No one can read the provisions of the act without realizing its objectives have not been reached," Wigglesworth declared, asserting there is "mounting evidence" of virtual monopoly by NBC, CBS and Mutual, "fostered practically by Government itself."

The Massachusetts Congressman attacked the Commission for permitting continued transfers of licenses at prices far in excess of their value, criticized Chairman McNinch for his "purge" of F. C. C. personnel, and charged that the Telephone Co. investigation was one-sided.

Taking up, one by one, all of the matters before the Commission, he said it has developed no national communications policy, no standards for programs and no position on newspaper ownership, and declared Congress should investigate the entire situation.

Announcers at KPO Reject AFRA's Bid

SAN FRANCISCO, Feb. 6.—NBC announcers at KPO-KGO have voted down a proposal to affiliate with the American Federation of Radio Artists. The mikemen decided they were "better off" as members of the web's "house union" here, Associated Radio Employes, which provides for higher commercial fees and base salary schedules than those sought by A.F.R.A.

NBC announcers here are paid $25 for announcing a commercial while the local A.F.R.A. is seeking $15 for each commercial, plus $5 for rehearsal.

Pilot Sets Newscast

Pilot Radio Corp. will sponsor a new commercial on WOR for one year, beginning Feb. 28, featuring transradio news broadcasts by Arthur Hale. The schedule is for Tuesdays, Thursdays and Saturdays, from 11 to 11:15 P. M. Austin & Spector set the deal.

Plan Television Lab

A television testing laboratory is being constructed by the National Radio Union Corp. When completed the laboratory will be placed at the disposal, free of charge, to radio set makers in the design and manufacture of their sight receivers.

WIND to CBS

Chicago, Feb. 6. — Independently owned station WIND will join the CBS network shortly, according to report. Ralph Atlass operates WIND and WJJD. His brother, H. Leslie Atlass, is head of the CBS Chicago division.

FCC Appropriation Dropped from Bill

WASHINGTON, Feb. 6.—Funds to continue the Federal Communications Commission beyond June 30, next, were today eliminated by the House Appropriations Committee from the independent offices appropriation bill, in which the money needs of the radio agency normally would be carried.

The committee explained that F.C.C. funds will be considered in a subsequent appropriation bill, and have been omitted from the independent offices bill pending action by Congress on the President's recommendations for reorganization.

The appropriation bill was submitted to the House today simultaneously with release of testimony taken during consideration of the measure by the appropriations subcommittee, which showed that while the F.C.C. fund was eliminated, members of the commission were questioned regarding the needs of the commission.

Members of the Appropriations subcommittee in charge of the bill questioned Chairman McNinch extensively regarding his activities since becoming head of the F.C.C. and interrogated Commissioner Paul A. Walker regarding the $1,500,000 telephone company investigation on which, it was disclosed incidentally, a final report will be submitted to Congress before July 1.

Practically all of the controversies which have rocked the commission in the past year were called to Chairman McNinch's attention by committee members, who were particularly interested in last summer's "purge" of personnel, the monopoly investigation and the new setup established by the chairman to expediate the handling of cases coming before the commission.

Urge Cooperation of Broadcaster, Dealer

SAN FRANCISCO, Feb. 6.—Northern California Broadcasters' Association has adopted a resolution urging greater cooperation among radio dealers and manufacturers and broadcasters. Plan calls for dealers to use greater amount of radio advertising to sell sets, and to lend window display space for radio programs. The idea was suggested by Edward M. Kirby, N.A.B. public relations director, during his recent visit here with N.A.B. President Neville Miller.

De Luxe Lab Closes WPA Film Contract

De Luxe Laboratories has obtained a Government contract for printing WPA films, calling for an expenditure up to $10,000 during 1939. This is a renewal of a contract held by De Luxe last year, when the Government ordered about $3,000 worth of printing. Bulk of the work, including production, is handled by Pathe News.

Fair Film Music Done

Recording of music and choral sequences for the New York World's Fair film has been completed by RCA. Sound tracks of the Andre Kostelanetz orchestra and a chorus of 40 voices were made in the Fox Movietone News studios. Fred Waller and Warren Murray were the producers. R. B. Austrian was in charge for RCA.

Radio Personals

ELLIOTT M. SANGER, vice-president and general manager of WQXR, has accepted an invitation to discuss radio censorship at the New York Society for Ethical Culture on Thursday. . . . Walter Huston cast for the Vallee program Thursday. . . . Gene Autry, now in New York, will guest appear on the "Tune Up Time" program Feb. 16. . . . Gene Trace, formerly WLW, now program director of WMBD.

✚

Jo Ranson, radio editor of the *Brooklyn Eagle,* has been signed by Loew Theatres to produce stage quizzes in Loew Houses. Plan will get its tryout Feb. 15 at the Borough Park Theatre in Brooklyn . . . Tommy Riggs will leave for Hollywood March 4 for six weeks of broadcasting from that point.

Pedroso to W3XAU

Nicholas Pedroso has been appointed Latin American program director of W3XAU, Philadelphia international station affiliated with CBS. He formerly was public relations counsel for several U. S. firms trading in South America.

FCC Calendar

WASHINGTON, Feb. 6. — Federal Communications Commission will hear oral argument Feb. 16 on the following broadcast cases:

Applications of Orville W. Lyerla for a new 1,310-kilocycle station at Herrin, Ill., with 100 watts night, 250 watts day, and WJBL, Decatur, Ill., for change of frequency from 1,200 to 1,310-kilocycles, extension of time from sharing to unlimited and increase of day power from 100 to 250 watts; WBOW, Terre Haute, Ind., for change of frequency from 1,310 to 1,200 kilocycles; WJBC, Bloomington, Ill., for extension of time from sharing to unlimited; WEBQ, Harrisburg, Ill., for extension of time from sharing to unlimited; KFVS, Cape Giardeau, Mo., extension of time from sharing to unlimited, and KTBS, Shreveport, La., for change of frequency from 1,450 to 620 kilocycles and increase of day power from 1,000 to 5,000 watts.

Other hearings also were scheduled by the commission, as follows:

March 7: Applications of Panama City Broadcasting Co. for a 1,200-kilocycle station at Panama City, Fla., with 100 watts night, 250 watts day, and KRSC, Seattle, for increase of power from 250 to 1,000 watts.

March 21: Applications of Southern Oregon Broadcasting Co. for a 1,310-kilocycle, 100-watt station at Grants Pass, Ore., and KFJZ, Fort Worth, for change of frequency from 1,370 to 930 kilocycles and increase of power from 100 watts night, 250 watts day to 500 watts.

March 27: Applications of Spartanburg Advertising Co. for a 1,370-kiolcycle station at Spartanburg, S. C., and WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

FCC Won't Renew WLW Superpower

WASHINGTON, Feb. 6.—F. C. C. tonight brought to an end experiments in superpower, announcing decision to deny application of WLW for extension of its 500 kilowatt experimental authorization.

The commission's decision will be effective within the next few days, following issuance of a formal order and opinion.

In announcing the decision, the commission stated WLW "had failed to sustain the burden of showing that special authorization requested is necessary in order to accomplish a proposed program of experimentation which will offer promise of substantial contribution to radio art."

Chase and Sanborn Again Rated Highest

New agency ratings show the Chase and Sanborn Hour to retain its ranking as the most popular show on the air. Jack Benny's program is second; Lux Radio Theatre is third, and the Bing Crosby program is fourth.

Remaining rankings of top shows are Major Bowes following the Crosby Hour; Rudy Vallee's program and Burns and Allen in a tie in the next position; and Kate Smith's program, the M-G-M show and Edward G. Robinson's "Big Town" series all bracketed in eighth place.

Howard, Shelton Signed

Tom Howard and George Shelton, who substituted for Pick and Pat on the U. S. Tobacco series for two weeks while the latter vacationed, have been signed to replace the latter team of the CBS program.

Delay Expected in Radio Legislation

Washington, Feb. 6.—New radio legislation will not be introduced in Congress for a week or 10 days, it was indicated today by Senator Wheeler (Mont.), chairman of the Senate Interstate Commerce Committee, who, with Senator Wallace White (Maine), last week conferred with F.C.C. Chairman McNinch.

It was disclosed that McNinch will not write the bill, but will merely prepare a memorandum outlining what he believes should be done. Senator Wheeler himself is expecting to write the legislation.

Differences of opinion as to the best way to proceed with reorganization of the F-C.C. already are manifesting themselves at the Capitol, leading to possibilities that the legislation will not be finally enacted until next year unless they can be compromised.

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VOL. 45. NO. 27 NEW YORK, WEDNESDAY, FEBRUARY 8, 1939 TEN CENTS

AAAA Votes To Bar All Non Entertainers

No Branch May Accept Outsider as Member

Associated Actors and Artists of America voted yesterday that none of its branches may accept into membership persons other than entertainers. The international board ruled that it would refuse per capita payments from branches which extended their jurisdiction to non-entertainers.

Although no explanation for the ruling was forthcoming it was reported that it is directed primarily against the American Federation of Actors, which has jurisdiction of night club, vaudeville and circus performers.

The A.F.A. has included circus roustabouts and other non-performers in its membership in the past. Whether yesterday's ruling was directed at this alone, or whether branches have been considering similar extensions of jurisdiction could not be learned, but the order bans any further inclusion of any but entertainers in the ranks of the A.A.A.A.

Late Flashes

Paramount Gets 'Carters'

HOLLYWOOD, Feb. 7.—Paramount has made another deal with Charles R. Rogers to film "Our Neighbors—The Carters." Rogers is now making "The Star Maker" for Paramount. The former story is an original by Renaud Hoffman.

Schenck En Route East

HOLLYWOOD, Feb. 7.—Joseph M. Schenck, chairman of the board of 20th Century-Fox, left the coast today and is due in New York on Friday. Joseph Moskowitz is accompanying him.

Knopt Resigns from M-G

HOLLYWOOD, Feb. 7.—Edwin Knopf, story department head of M-G-M, has resigned. The resignation becomes effective Feb. 28. Knopf had headed the company's story department for last five years.

Center Extras Get Raise

As a result of action by Actors' Equity, Sam H. Harris and Max Gordon, producers of "The American Way," which is current at the Center, 150 extras in the play get a $3 weekly raise.

20th-Fox, Republic Will Close Monday

20th Century-Fox and Republic will be closed Monday, in celebration of Lincoln's Birthday. Paramount, Loew's and Universal will shut down at 1 P.M. RKO will be open all day and United Artists, Columbia and Monogram are still undecided.

Silverstone And Roach Set '39 Program

HOLLYWOOD, Feb. 7.—Maurice Silverstone, operating head of United Artists, Hal Roach and the Security First National Bank of Los Angeles have completed details of a financing arrangement, believed sufficient to meet the producer's fullest production requirements. This bank financed Roach last year. Roach's program will cost around $5,000,000.

Silverstone, following completion of this transaction, is preparing to leave the coast. He departs tomorrow, after winding up product conferences with all of the U. A. producers.

The U. A. operating chief is pleased with the Roach roster of six pictures which are scheduled for the 39-40 program of the Silverstone company.

Roach is personally directing "Captain Fury." He follows this with the "Water Gypsies;" Donald Henderson Clarke's "The Housekeeper's Daughter;" besides "Roadshow" and a film with Margaret Sullavan. Two more Hardy-Langdon pictures are tentatively scheduled with same cast as in "It's Spring Again."

Roach's studio will shut down for five or six weeks between completion of "Captain Fury" and start of "Water Gypsies."

News Guild Trying to Organize Newsreels

Newspaper Guild is conducting a quiet organizational campaign among the newsreels here in an effort to unionize all employes who are not under the jurisdiction of other unions. Principal efforts are directed toward editors, contact men and clerical employes.

Paramount Newsreel has had a unit of the Guild for some time. Efforts to obtain a contract there were unsuccessful several months ago, but some pay raises were secured. Guild leaders feel that if units are organized in all the reels, chances of obtaining contracts may be more successful.

NBC Seeks Writers With Experience in Films for Television

NBC is going after writers with film experience, for television. The network also is making strong bids for plays and original stories for telecasting. This is being done, of course, in anticipation of the beginning of regular telecasting, this spring in connection with the opening of the World's Fair. The NBC firm will be on television, at least two hours weekly, when that begins.

Officially, there is only discreet silence to be gotten from NBC, regarding these new developments.

It is understood that several scores of stories have already been purchased, including a full-length play by Susan Gaspal. The price isn't known.

NBC additionally is engaging a staff of writers with film experience to adapt stories into shooting form for television.

Universal to Start Sales Drive Feb. 26

Universal will inaugurate a charges and playdate drive on Feb. 26, running for eight weeks to April 22. F. J. A. McCarthy, eastern division manager, and William J. Heineman, western division manager, will be the honored sponsors of the drive. Cash prizes will be awarded for the three winning offices in the east and the three in the west.

This marks the first time Universal has honored its division members in a sales drive. The campaign was originated by A. J. O'Keefe, west coast district manager, and Harry D. Graham, southern district manager, James J. Jordan has been appointed western captain of the drive and Tom Murray western captain by Nate Blumberg, president.

Among the releases during the drive period will be "The Son of Frankenstein," "You Can't Cheat an Honest Man," "Three Smart Girls Grow Up," with Deanna Durbin, and "East Side of Heaven," with Bing Crosby.

Ampa to Hear Jane Cowl

Jane Cowl, stage star, will head the Ampa's program at its luncheon meeting at the Astor tomorrow. Jean Rodney, production director of "Outward Bound," is also scheduled to appear, in addition to Billy Rose, Molly Picon and Russell Patterson.

11 Nominations To RKO Board Slated Today

Judge Bondy Due to Get New Directors' Names

New board of directors of reorganized RKO will consist of 11 members appointed to serve for two-year terms.

Indications are that the names of the new directors will be offered to Federal Judge William Bondy today or tomorrow, in order that the court may have an opportunity to make whatever suggestions it wills at the scheduled hearing on Friday.

Regarded as logical selections for the board are the following:

Representing management—George J. Schaefer and Ned E. Depinet.

Representing RCA—James G. Harbord and Lunsford P. Yandell.

Representing Rockefeller Center—W. G. Van Schmus and Dr. Beardsley Ruml.

Representing Atlas Corp. and Leh-

(*Continued on page* 12)

Disney, M-G-M Lead Award Nominations

HOLLYWOOD, Feb. 7.—Walt Disney and M-G-M led in the number of representatitions in the nominations for the short subjects awards of the Academy of Motion Picture Arts and Sciences. Because of a tie five nominations were made in the cartoons division intsead of the usual three. Nominees are "The Brave Little Tailor," "Mother Goose Goes Hollywood," "Ferdinand, the Bull," and "Good Scouts," all Disney (RKO), and "Hunky and Spunky," Max Fleischer (Paramount). In the one reel subject division the nominations are "The Great Heart" and "That Mothers Might Live," M-G-M and "Timber Toppers," 20th Century-Fox. Two reel subject, "Declaration of Independence" and "Swingtime in the Movies," Warners, and "They're Always Caught," M-G-M.

Giveaway Study

***Motion Picture Daily* in this issue publishes the fifth of a series of articles in a survey of chance games and giveaways throughout the country. *Motion Picture Daily* invites reader comment on the subject.—Page 6.**

Joseph Schenck Is Reelected to Head Producers' Group

HOLLYWOOD, Feb. 7.—Association of Motion Picture Producers last night reelected Joseph M. Schenck as president, and Frederick W. Beetson as executive vice-president and secretary for another year. Edgar Mannix, Samuel Goldwyn and Y. Frank Freeman were added to the board of directors.

Jack L. Warner and Mannix were named first and second vice-presidents, respectively, at the annual session, which was featured by an address by Will H. Hays, M.P.P.D.A. president. Schenck named an executive committee consisting of himself, Jack Warner, Goldwyn, Freeman, Mannix and Harry Cohn, presumably to act as a steering committee in handling negotiations with the various talent groups, and replacing the functions of the committee formerly headed by Darryl F. Zanuck, who withdrew because of the press of business. The labor situation as pertaining to the Screen Directors' Guild and the I.A.T.S.E. was discussed generally, but no action was taken.

Equity and League Will Discuss Code

Actors' Equity will meet with the League of New York Theatres on Feb. 17 for discussions on the workings of the Code of Fair Practice which the League enacted at the beginning of the season. The meeting will consider the failure of ticket broker code. Also under consideration will be the League's promise to attract the suburban trade by having earlier curtains and establish a central telephone information service.

Equity sought the meeting in order to clarify these questions before the opening of the World's Fair. Considerable dissatisfaction has been engendered with reference to the ticket broker situation and Equity is considering making demands that the whole question be clarified. The board of governors of the League will meet tonight to consider the establishment of a central ticket agency.

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Ar.....8:49 a.m.	Ar..... 3:22 p.m.

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Purely Personal

HERBERT WILCOX, partially recovered from a severe cold, is en route to the coast for conferences with GEORGE J. SCHAEFER and NED E. DEPINET. He may be back in New York in about two weeks.

•

HARRY BRANDT, I. T. O. A. president, returned yesterday from Washington where he addressed the M. P. T. O. of Washington convention.

•

HARRY EDINGTON is in town for a brief visit most of which will be spent looking at the Broadway show shops.

•

RUEL WILLIAMS, formerly Ross Federal manager in Washington, was injured in an automobile collision at Warrenton, Va., while en route to take over the Los Angeles branch. He spent two days in the hospital.

•

AL REID, general manager of Si Fabian Theatres, will be tendered a birthday party tonight following the last performance at the Brooklyn Paramount.

•

AUSTIN C. KEOUGH, Paramount vice-president and general counsel, is confined to his home with a cold.

•

LOUISE CAMPBELL left Hollywood yesterday for Chicago to be with her father on his birthday, Thursday.

•

CHARLES EINFELD is scheduled to leave the coast Friday for a stay of 10 days in New York.

•

SAM BRODY of the Music Hall publicity staff has returned from Florida.

•

CARLOS ISRAELS goes to New Orleans on Friday.

AMONG those who are enjoying the Florida sunshine at this time are MR. and MRS. P. E. ELKELES, N. M. SCHENCK, WILLARD S. MCKAY, MAJOR ALBERT WARNER, MR. and MRS. ALLAN JENKINS, SONJE HENIE, STEVE LYNCH, MEYER SCHINE, MAJOR JOHN ZANFT, FRANK ORSATTI, EDDIE MANNIX, MR. and MRS. LEO SPITZ, MR. and MRS. BARNEY BALABAN, PEGGY FEARS, RUDY VALLEE, HARRY RICHMAN, ABE LYMAN, VELOZ and YOLANDA.

•

H. M. BESSEY, secretary-treasurer of Altec Service Corp., has left New York for a month's visit to the coast.

•

LOUIS D. FROHLICH and HERMAN FINKELSTEIN of Schwartz & Frohlich are en route to Arkansas on Ascap legal business.

•

CLARENCE HILL, assistant to WILLIAM SUSSMAN, 20th Century-Fox eastern division manager, attended the testimonial dinner to BEN SIMON in New Haven last night.

•

NORMAN ELSON, Brandt circuit district manager, will leave next weekend for Miami by car with MRS. ELSON. They will be gone 17 days.

•

ED O'SHEA, district manager for M-G-M, will leave Feb. 19 for a two-week vacation in Miami.

•

MRS. STANLEY J. MAYER, wife of the 20th Century-Fox Des Moines exchange manager, is convalescing after an operation.

•

HELEN FELTMAN, bookkeeper at Columbia's New York exchange for the past seven years, has resigned.

'Lady Vanishes' Sets Record of 9½ Weeks

"The Lady Vanishes" is being held at the Globe until March 1, when it will complete a run of 9½ weeks. This is the record for the house.

Previous run record at the Globe was held by "The Lost City," independent film, which went eight weeks. This was in 1935.

"The Lady Vanishes" will be followed by Warner's "Devil's Island," featuring Boris Karloff, which is penciled in for four weeks.

Rites for Hartman Will Be Held Today

Funeral services for Jacob Hartman, retired film man, will be held at 2 p.m. today at Central Synagogue, 55th St. and Lexington Ave. He was 80 years old and the oldest member of the Motion Picture Associates.

Hartman died Monday morning following a short illness. He was a contact man for Universal in New York some years ago. Survivors are his widow, Regina Frisch Hartman, and a son, Siegfried F., an attorney.

The Newsreel Parade

Chilean earthquake and the fall of Barcelona, in addition to the Ohio floods, are featured in the latest newsreel issues. Millrose track meet in New York heads the list of sport subjects used. The reels and their contents follow:

MOVIETONE NEWS, No. 43 — Earthquake in Chile. Fall of Barcelona. Ohio Valley floods. Army bomber carries supplies to Chile. Best dogs picked in Boston. First run of "train of tomorrow." Quadruplets born in Texas. Princes Ann is christened. Millrose meet in New York. Ice skating races. California oarsmen in training. National ski jumps. Lew Lehr.

NEWS OF THE DAY, No. 241—Franco takes Barcelona. Chilean earthquake. Ohio River overflows. Army maneuvers in Virginia. Millrose games at Garden. Schmeling arrives from Germany. National ski jumps.

PARAMOUNT NEWS. No. 54 — Rains cause flood in Ohio. National Board of Review convenes. Col. Batista arrives in Mexico. Royal wedding in England. Rush work of rehabilitation in Chile. Quadruplets born. Utilities war ends. U. of California crew makes bow. Wes Ferrell wins golf title. Millrose meet.

RKO PATHE NEWS, No. 58 — Rebel army enters Barcelona. Earthquake in Chile. Texas quads interest nation. Skiers compete for National titles. Maria of Savoy weds in Italy. Waiters on skates in Miami. Millrose games.

UNIVERSAL NEWSREEL, No. 743 — Army maneuvers. Destroyers launched in New Jersey. Batista arrives in Mexico. Explosion in cement plant. Wedding in English castle. Quadruplets born in Texas. Floral modes in New York. Dog show in Boston. Oarsmen prepare for coming season. Millrose track meet. Ski meet in St. Paul.

Variety Club Meet Scheduled April 23

H. M. Richey, director of theatre relations for RKO, is lining up a large eastern delegation for the fifth annual banquet of the Variety Clubs, to be held Sunday, April 23, at the Book Cadillac Hotel, Detroit. The banquet will conclude the national convention, which will open a day earlier.

Invitations have gone out to the following: Will H. Hays, C. C. Pettijohn, Dave Palfreyman, of the Hays office; Sidney R. Kent, Herman Wobber, W. C. Gehring, William Sussman, 20th Century-Fox; Al Lichtman, W. F. Rodgers, E. W. Aaron, T. J. Connors, E. M. Saunders, E. K. O'Shea, J. J. Maloney, M-G-M; Barney Balaban, Neil Agnew, Joe Unger, Allen Usher, M. A. Milligan, Paramount; Nate J. Blumberg, W. A. Scully, F. J. A. McCarthy, W. J. Heineman, E. F. Gomersall, J. Cheever Cowdin, Universal; H. M. Warner, Gradwell L. Sears, Roy Haines, Robert Smeltzer, Warners.

Also Maurice Silverstone, Harry Buckley, Harry Gold, L. J. Schlaifer, United Artists; Abe Mantague, Harry Cohn, Columbia; E. W. Hammons, Edward Alperson, Grand National; George J. Schaefer, Jules Levy, E. L. McEvoy, Nat Levy, Ned E. Depinet, RKO; J. Meyer Schine, Louis W. Schine, George V. Lynch, A. J. Kearney, M. J. Kallett, John A. Nolan, M. A. Shea, Major Louis Lazar, Harry Kalmine, M. A. Silver.

Washington Leads In Johnston Drive

Monogram's Washington enchange is in the lead at the end of the first week of the W. Ray Johnston Silver Jubilee Drive. The Dallas and Cincinnati branches are in second and third places, respectively.

Isaac Nathanson Dies

TORONTO, Feb. 7.—Word has been received here of the death in Los Angeles of Isaac Nathanson. He was the brother of N. L. Nathanson, president of Famous Players Canadian Corp, and Henry L. Nathanson, general manager of Regal Films, Ltd., Toronto.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



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NEW YORK . . *Second weekend bigger than first weekend . . First five days indicate gross within few dollars of first week! . .*

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LOS ANGELES . . *New all-time money record set for Hillstreet and Pantages Theatres. Third week . .*

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BOSTON . . *Absolutely the biggest money-getter on record for straight picture policy! . .*

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CHICAGO . . *Biggest opening with one exception . . playing without big stage names! . .*

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DENVER . . *Doing the kind of business you dream about . .*

HOLDOVER!

SAN FRANCISCO . . *Biggest RKO opening in a year . .*

HOLDOVER!

WEEK

MUSIC HALL!

Hollywood-Los Angeles!

NEW ORLEANS . . *Opening and business booming!..*
HOLDOVER!

ST. LOUIS . . *Biggest opening gross of any RKO picture ever to play the house! . .*
HOLDOVER!

BALTIMORE . . *All-time record for any RKO picture!..*
HOLDOVER!

PHILADELPHIA . . *Terrific business . . biggest since "Top Hat" with one exception!..*
HOLDOVER!

HOUSTON . . *Majestic Theatre, biggest RKO opening since "Top Hat!" . .*
HOLDOVER!

EL PASO . . *Plaza Theatre . . Ahead of "Top Hat" opening days! . .*
HOLDOVER!

GUNGA DIN

YOU BET RKO RADIO IS GOING PLACES!

Business Called Healthier Without Games

Giveaways Are Increasing in Chicago Area

Chicago

Population, 3,678,000; 10 first runs, 20,500 seats, 25c-75c; 304 subsequent runs, 298,336 seats, 10c-55c. City officials stopped chance games at theatres in December, 1936, after they were used for about five years. Giveaways are on the increase.

Theatre games took a sharp upturn about three years ago. About 70 per cent of the subsequents used them, but few first runs. It is estimated that from $500,000 to $750,000 was given away annually. Bank Night, Screeno and other lures were played. Exhibitors say business has been off 20 per cent since games were banned, attributing the drop almost entirely to the elimination. However, it appears doubtful that many theatres would resort to games again, even if permitted.

About 20 per cent of the churches, clubs and lodges in the city had chance games before theatres adopted them, but there was no noticeable increase in the number of such games or the size of prizes after they were introduced in theatres. Since the games were banned in theatres, they have increasd at other places. There is no prospect that they will be dropped. There has been no general protest from merchants or others about the games hurting their business.

Indications are that money games will continue to be beyond the reach of professional promoters for another six months or so, at least.

The coming city election may change things this spring but until then it is doubtful if any new games will be started in theatres. Several games are being prepared for theatre use within the next few weeks if they can get approval from city officials.

Milwaukee Bingo Warrant Is Issued

Milwaukee, Feb. 7.—Demand for action by law enforcement officials against Bingo from various exhibitors here has resulted in a warrant by the police department against August Gieldon, charged with operating a Bingo game under the name of a church group, in violation of a city raffles ordinance.

At the same time, Deputy District Attorney George A. Bowman has referred to the attorney general's office information regarding Guest Night, a policy of drawings with cash or bottle goods as the award, offered by various taverns, and a complaint against the Hollywood, neighborhood house, where Manager Bert Nathan is conducting Prosperity Club, a giveaway.

By SAM SHAIN

Chance games and giveaways have been prohibited by law in many sections of the country. In places where games were banned after being prevalent there will be found two schools of opinion regarding the value of the games to the box-office.

In some sections the laws preceded the games, and it is one of the facts brought out by this cross-country survey of chance games and giveaways by MOTION PICTURE DAILY that in such territories where the games have been operated in violation of the law, the opinion is that the picture business is healthier without the games. The fact continues unchanged that in larger cities games are condemned and that in smaller cities exhibitors like to have them. Also another fact which is still unchanged is that first runs generally shun the games, while subsequents use them.

NORTH DAKOTA LAWS RIGID

North Dakota has such rigid laws against lotteries that even premiums cannot be given away by merchants. That state is free of chance games and it is worth noting that the picture business is described as being quite healthy—healthier than in any other northwest state.

In Chicago, the gateway to the west, it is estimated there was once from $500,000 to $750,000 given away annually in chance games. These games were stopped in December, 1936. Giveaways, however, are reported on the increase. Apparently the chance games proved more attractive than the present giveaways, for exhibitors claim business is off 20 per cent since the games were banned. Churches, clubs and lodges had chance games in Chicago before the theatre adopted them.

In Indiana the games are held to be hitting a new high.

South Dakota theatres indulge extensively in giveaways. Minneapolis and St. Paul do likewise.

TACOMA EXHIBITORS OPPOSED

On the other hand, in Tacoma and surrounding territory, where the law enforcement authorities have stopped the games, the exhibitors are so opposed to such stimulants that it is felt they would not resume games even if the authorities approved. Churches and clubs in this section of the country have games.

San Francisco is declared to be a little Reno when it comes to games. Here, as in other big cities, the first runs won't have the games, but virtually all other runs use them.

Shifting back to the east, we find that in Rhode Island the sentiment is about the same as in Chicago, and that giveaways are not as good box-office stimulants as money games; and that since the money games were banned grosses have dropped. Non-theatrical places have the games. They get by under the guise of charity.

At present some downstate Illinois theatres and surrounding towns, in some instances, run Bank Night. About 50 spots are doing so now although this is supposed to be in violation of the state law. In Indiana Bank Night is hitting a new high in business, reports show.

●

Northwest

While Minneapolis, St. Paul and surrounding areas are lush fields for chance games, the state of North Dakota, in the same distribution territory, is free of the practice.

North Dakota has such stringent lottery laws that merchants cannot even give away premiums. Thus, money games have never been introduced in theatres, with the result that picture business in North Dakota is healthier than in any other state in the Northwest, according to circuit executives. "Theatre managers in North Dakota are fully able to capitalize upon picture possibilities with resultant box-office successes more in evidence than in neighboring states," a circuit head says. The strict laws and the fact theatres have no chance game competition to contend with are regarded as important factors.

In the Twin Cities, there are approximately 100 theatres, of which 12 are first runs. Prices range from 10 cents to 50 cents. No first run has ever used money games, nor do they want them. However, virtually every suburban or subsequent house outside of the "loop" indulges in some form of money giveaway. Most prevalent is Bank Night, followed by Screeno. Beer joints throughout Minneapolis feature trick-titled money games patterned after the theatre games.

Minnesota Amusement Co., Paramount affiliate and the Northwest's dominant circuit, does not permit its managers to advertise Bank Night in newspapers, thus protecting all concerned from possible Postal law violations.

Giveaways are prevalent in South Dakota.

Bank Night has been a raging controversy in Wisconsin, with an alleged theatre lottery case recently tried at LaCrosse. A tearsheet from the Superior *Evening Telegram* shows six theatres in the town, with only one, the Superior, running a money game.

●

East Orange, N. J.

Population, 75,000; one first run, 1,658; one subsequent, 900, 15c-25c. First run has no giveaways. Second run plays Lucky once a week, costing the theatre about $2,500 a year. The manager hopes to abandon it.

North Dakota Entirely Free Of All Games

Rhode Island

Money games have been stopped by the Attorney General, but only in theatres. They are permitted at churches and clubs because they are played for charity.

Providence banned Bank Night in 1936, though it was permitted elsewhere in the state. Later a District Court judge upheld the game, being influenced by a Vermont decision which claimed "no lottery existed." In May, 1938, the Attorney General ruled that all such games were a racket, and the ban has stuck. There are cases pending in the courts involving game distributors and exhibitors which may decide the legal question.

Prior to the ban, most Rhode Island theatres had games for about three years. Since they were stopped, exhibitors say grosses have dropped. They claim merchandise giveaways are not as good.

Both first runs and subsequents in Providence had games, with an average of $1,300 given way annually at each house. Most played Bank Night and some Screeno. Church and club games antedated theatre games, but there was no noticeable effect when theatres adopted them or after they were dropped. Games at the non-theatrical places have become a "habit," and since they are considered "legal" when played for charity, they will continue. Merchants favor them in the small towns because they bring people in.

●

San Francisco

Population, 635,000; nine first runs, 19,100 seats, 15c-75c; 69 subsequent runs, 68,688 seats, 10c-55c. San Francisco is a "little Reno" when it comes to money games in theatres. The first runs shun them, but virtually all others use games. They have been used about five years. Total given away annually is estimated at $200,000, including cash and merchandise giveaways.

Lodges, clubs, etc., exceed theatres in the number of games by 10 to 1, according to Dan McLean, manager of the New Embassy, Market St. grind house. McLean advertises "world's greatest Ten-O-Win game," and gives away $100 at a time. He has stickers advertising the game pasted on windshields and other places.

●

Johnstown, N. Y.

Population, 12,000; two first runs, 1,450 seats, 10c-25c. Smalley's, first run, uses Bank Night and Screeno two nights a week, with $300 given weekly. As in Gloversville, games have been used here about three years. They have boosted business and net club and lodge competition, Smalley says. No ads are permitted in the papers, but the patrons know the giveaway nights. Authorities are lenient. The Strand does not use stimulants.

[This is the fifth of a series of articles surveying the giveaway situation in the country. The next will appear in an early issue.]

Short Subjects

"Buck Rogers"

(*Universal*)

Death-ray guns, trips to the planet Saturn, de-gravity belts, and other scientific devices which apparently will be known to man in the year 2438, feature Universal's new 12-chapter serial. Buster Crabbe assumes the role of Buck Rogers, noted comic strip hero, and Jackie Moran is his pal, Buddy.

Judged on the basis of its first three chapters, "Buck Rogers" should have a strong appeal for the juvenile trade and should lend itself readily to exploitation. Buck and Buddy are found in a state of suspended animation 500 years hence. They find the earth ruled by a gangster leader, and join forces with Constance Moore and Montague Shaw to restore justice. In an effort to gain allies, a trip to Saturn is undertaken.

Fortunately, it appears that our progeny five centuries hence will have the same lusty love of fist fights, shooting and excitement which entertains the present generation. As a result, "Buck Rogers" will probably prove a first class attraction for the present crop of youngsters. Running time, 21 mins. each episode. "G."*

"Paramount Pictorial, P8-6"

(*Paramount*)

Nairobi, capital of Britain's Kenya Colony in Africa, makes an interesting camera subject. It is a cosmopolitan center in the heart of the dark continent. Other topics are the gadgets required to keep an expensive race horse in trim and Stan Shaw's "Milkman's Matinee" over a New York radio station. The latter is well handled. Running time, 10 mins. "G."*

"Peaceful Neighbors"

(*Mintz-Columbia*)

An unusual and engaging color cartoon which should attract considerable comment. Following a dispute over land, two rival broods of hens declare war. An armament race is followed by war. After several battle scenes, two doves manage to restore peace by loading the cannon with candy and flowers. A broad bit of satire with plenty of lively animation. Running time, 8 mins. "G."*

"How to Sub-Let"

(*M-G-M*)

Robert Benchley once more shows his genius for mismangement. Left in charge by his wife with instructions to sub-let their apartment, Benchley interrupts his Sunday morning nap to conduct prospective tenants through the rooms. Mishaps pile up with the gas range exploding as a climax. Benchley is funny. Running time, 8 mins. "G."*

"March of Time, No. 6"

(*RKO*)

Taking its keynote from the convening of Congress, the latest issue of "March of Time" traces the trends of popular reaction to Government policies in "State of the Nation: 1939." As usual the reel is well placed and the subject is graphically portrayed. Editors of the *Fortune* poll are shown at work collating expressions of popular opinion on various New Deal policies. Interspersed among shots of citizens from various walks of life expressing their differing opinions, are diagrams showing the results of the polls. Howard Coonley, president of the National Association of Manufacturers, ends the reel with a plea for support of a cooperative plan to aid industry and labor. Audience reaction should be favorable. Running time, 17 min. "G."

"Penny's Picnic"

(*M-G-M*)

Prudence Penny puts the men on a camping trip to shame by preparing an elaborate meal in the open while the masculine efforts succeed only in burning the food and the cooks. Done in color, it is realistic enough to whet the appetite of the audience. The menu consists of fried fish, baked corn on the cob, biscuits, vegetables and, as dessert, biscuits with berries and whipped cream. Pete Smith describes how it's done. Running time, 10 mins. "G."*

"I'm Just a Jitterbug"

(*Universal*)

It will take a jitterbug to extract entertainment from this Walter Lantz cartoon. All it has to recommend it is its accompaniment of swing music and appropriate lyrics. Characters from cartoons and fables come to life to join in the "jam session" which, of course, takes place in a cartoonist's workroom. After seven minutes of it, a cuckoo emerges from a clock and, probably personifying a theatre audience, machine-guns the jitterbugs into silence.

As indicated, there is no originality in either story or animations and the slight merit of this cartoon hinges on its musical accompaniment. Running time, 7 mins. "G."*

"Wild and Bully"

(*Universal*)

Six rather pleasant variety acts make up this Mentone musical. An entertainment program at a dude ranch provides the background. The Skating Carters, a roller skating act which features a five-year-old boy and his sister, aged six, is an amusing bit. Songs are contributed by J. Harold Murray, the Eight Virginians, Texas Jim Lewis and his Lone Star Cowboys, and Lillian Carmen. Bob Parker does a novelty rope and tap dance. A fair musical. Running time, 19 mins. "G."*

Hollywood Preview

"Forged Passport"

(*Republic*)

HOLLYWOOD, Feb. 7.—"Forged Passport" is a melodrama based on the United States Immigration Service, and action centers about the border station near San Diego. Paul Kelly, June Lang, Lyle Talbot and Billy Gilbert head the cast, with Cliff Nazarro, Maurice Murphy, Christian Rub, John Hamilton, Dewey Robinson, Bruce MacFarlane, Ivan Miller and Frank Puglia supporting.

It is not an unusual story, nor is there any novel twist to it.

Credited with the original story are James Webb and Lee Loeb and for the screenplay, Franklin Coen and Loeb. John H. Auer acted both as associate producer and director.

Kelly, immigration inspector, is discharged for breach of conduct which resulted in the murder of a young man mistaken for him. He plots with Gilbert to find the killer and reopen the latter's cafe, closed by Mexican authorities who are unable to solve the mystery. Pretending to engage in the smuggling racket, Kelly solves the crime, gets the girl and reenters the immigration service with a promotion.

Running time, 64 minutes. "G."* VANCE KING

*"G" denotes general classification.

"Inside the White House"

(*Columbia*)

Second in the series of insights into the workings of the nation's capital provides a view of the president's residence and his offices. Selected for portrayal are the historic East, Green, Blue, Red and Oval Rooms and the executive offices. A highly interesting subject which should please. Running time, 10 mins. "G."*

"Cops Is Always Right"

(*Paramount*)

Quite amusing is this Popeye cartoon. The sailor becomes embroiled with a traffic officer and helps Olive Oyl with her spring cleaning. Both result in difficulties, but Popeye proves he is a law abiding citizen by locking himself up in jail. Running time, 7 mins. "G."*

"Ski Girl"

(*Warners*)

Ski enthusiasts will find plenty of meat here, in thrilling shots of intricate turns and twists of slalom racers. The final sequence shows a woman skier in a long downhill run, amid the beauty of mountain slopes. Running time, 10 mins. G.*

"Unusual Occupations"

(*Paramount*)

Topics include a young lad who delivers one copy of the *London Times* every morning, the customer being King George; a woman who makes flowers out of feathers; a string collector; instructor who teaches drum-majoring; Lucien Littlefield, actor, who is adept at screen makeup; Buck Jones, who builds and collects motor cars. It is in color. Running time, 10 mins. "G."*

*"G" denotes ganeral classification.

'Jesse James' Denver Smash With $13,500

DENVER, Feb. 7.—"Jesse James" rode into town in sensational fashion, drawing $13,500 at the Denver. The combination of "Idiot's Delight" and "Vacation from Love" at the Orpheum took a good $12,000.

"Kentucky" did $4,000 in its second week at the Aladdin, and "The Beachcomber" grossed $6,200 at the Denham in its second week.

Estimated takings for the week ending Feb. 1:

"Kentucky" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $3,500)
"Stand Up and Fight" (M-G-M)
"Peck's Bad Boy at the Circus" (RKO)
BROADWAY—(1,100) (25c-40c) 7 days, 2nd week. Gross: $1,500. (Average, $2,500)
"The Beachcomber" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: $6,200. (Average, $6,000)
"Jesse James" (20th-Fox)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $13,500. (Average, $8,500)
"Idiot's Delight" (M-G-M)
"Vacation From Love" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $12,000. (Average, $8,000)
"King of the Underworld" (Univ.)
"Arizona Wildcat" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,000. (Average, $3,500)
"Thanks For Everything" (20th-Fox)
"Secrets of a Nurse" (Univ.)
RIALTO—(878) (25c-40c) 7 days, "Thanks for Everything" after a week at the Denver. Gross: $1,500. (Average, $1,750)

'Trade Winds' Is Good for $13,400 Kansas City Gross

KANSAS CITY, Feb. 7. — "Jesse James" continued to make the best showing in its second week, with $5,300 at the Esquire, and $5,500 at the Uptown, and was held at the two theatres. Big money went to "Trade Winds" and "Spring Madness" at Loew's Midland, where the pair garnered $13,400. "Paris Honeymoon" was good for $8,600 at the Newman.

Estimated takings for the week ending Jan. 31-Feb. 2:

"Paris Honeymoon" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $8,600. (Average, $7,000)
"Jesse James" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 2nd week. Gross: $5,300. (Average, $3,000)
"Trade Winds" (U. A.)
"Spring Madness" (M-G-M)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $13,400. (Average, $11,500)
"The Lady Vanishes" (G. B.)
"Annabel Takes A Tour" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $3,300. (Average, $5,000)
"Mr. Moto's Last Warning" (20th-Fox)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Ted Mack, Three Smart Girls, Herbert Taubler, Lynn Lawrence, Rascals of Rhythm, Stuart Sisters, Annette Franc, Jack Murray, Lita Corti, and the Jitterbugs. Gross: $6,800. (Average, $7,000)
"Jesse James" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 2nd week. Gross: $5,500. (Average, $4,000)

Dual at Dayton House

DAYTON, O., Feb. 7.—The RKO "thrill" pictures, has inaugurated a double bill policy of the same type product.

CBS . . . Covers

PEOPLE who live over here consume more cabbage than caviar; enjoy cartoons more than Corots. Steamship companies, art dealers, and couturiers would starve on their patronage . . . and most other industries would swiftly starve without it.

They may not be as "fastidious" as the other side, but they use many times as much soap. They may not know the meaning of the word *gourmet* but they eat much more (and many more) branded food products. They may never have seen a Daimler or Dusenberg but they own and drive millions more automobiles!

In short, they speak "another language," read other publications, enjoy different things than the people on the other side — *with one exception.* Repeated research shows that 94% of them own radios, of which 79% are in use on an average of 5.2 hours daily . . . *tuned to radio programs that hop over railroad tracks, into the home, as easily as they soar over city and county and state lines.*

NOTE ON THE NETWORKS: *More of the country's largest advertisers choose* **COLUMBIA** *— as the fastest "right-of way" to the nation — than any other network. These shrewd judges of advertising facilities have favored the world's largest network consistently since 1934!*

Both Sides

PEOPLE who live on this side of the tracks know how to pronounce *hors d'oeuvres* and where to buy *le dernier cri*. They hold most of the country's diplomas and passports, hire most of its chauffeurs and maids, wear most of its ermine and pearls. They sit in air-conditioned offices . . . prefer Veuve Cliquot to "Red Ink". . . *Fortune* to "funnies" and Bergdorf-Goodman's to "bargain basements." They're known, familiarly, as "the people other people follow."

They are a rich and special market for cigarettes and soaps, tires and toothpastes . . . the products "everybody" buys. They are the *only* market for products made for their exclusive use and pleasure.

But one thing they share equally with the rest of the country. Repeated research shows that 98% of them own radios; that 78% listen every day, on an average of 4.8 hours, *and respond to the same programs . . . the same news and music and comedy and drama . . . that appeal to the rest of the nation.*

Columbia Broadcasting System

THE WORLD'S LARGEST NETWORK

'Delight' Is Good $30,000 Philadelphia

PHILADELPHIA, Feb. 7.—Despite incessant rain, "Idiot's Delight" gained a winning $20,000 at the Boyd. The Earle got $21,000 with Tommy Dorsey on the stage and "Flirting with Fate" on the screen.

"The Beachcomber" got a fair $10,000 at the Aldine. "They Made Me a Criminal" drew $12,500 at the Fox.

Estimated takings for the week ending Feb. 3:

"The Beachcomber" (Para.)
ALDINE—(40c-55c-65c-75c) 7 days. Gross: $10,000. (Average, $8,160)
"Stand Up and Fight" (M-G-M)
ARCADIA—(600) (25c-40c-55c) 9 days. Gross: $3,100. (Average, 7 days, $2,800)
"Idiot's Delight" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $20,000. (Average, $14,000)
"Flirting with Fate" (M-G-M)
EARLE—(2,000) (25c-40c-55c) 6 days. Stage: Tommy Dorsey Band. Gross: $21,000. (Average, $14,000)
"They Made Me A Criminal" (W. B.)
FOX—(3,000) (40c-55c-65c-75c) 7 days. Gross: $12,500. (Average $14,000)
"Son of Frankenstein" (Univ.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,300. (Average, $4,000)
"Topper Takes A Trip" (U. A.)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,100. (Average, $4,000)
"Jesse James" (20th-Fox)
STANLEY—(3,700) (40c-55c-65c) 7 days, 2nd week. Gross: $12,000. (Average, $14,000)
"Disbarred" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $3,800. (Average, $7,000)

'Stand Up' $9,000 As Buffalo Slumps

BUFFALO, Feb. 7.—"Stand Up and Fight" drew $9,000 at the Great Lakes, and was the only film to do better than average in a poor week, hampered by frigid weather. "Zaza" took a fair $9,600 at the Buffalo.

Estimated takings for the week ending Jan. 28:

"Zaza" (Para.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $9,600. (Average, $12,000)
"Stand Up and Fight" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $9,000. (Average, $7,500)
"Say It in French" (Para.)
"Disbarred" (Para.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $3,900. (Average, $6,800)
"Off the Record" (W. B.)
"Comet Over Broadway" (W. B.)
CENTURY — (3,000) (25c-40c) 7 days. Gross: $4,600. (Average, $6,000)
"Storm Over Bengal" (Rep.)
"Blondie" (Col.)
LAFAYETTE — (3,300) (25c) 7 days Gross: $5,500. (Average, $6,300)

Dismissal Is Upheld

Dismissal of a $50,000 plagiarism suit brought by William La Varre against Warners has been upheld in a decision handed down by the Appellate Division of the N. Y. Supreme Court. The complaint had been dismissed by Justice Timothy A. Leary after a six-day trial in January, 1938.

Set Editing Nominees

HOLLYWOOD, Feb. 7.—Following pictures have been nominated for the Academy Award for Film Editing: "The Adventures of Robin Hood," "Alexander's Ragtime Band," "The Great Waltz," "Test Pilot" and "You Can't Take It With You."

Hollywood Previews

"Yes, My Darling Daughter"
(Warners)

HOLLYWOOD, Feb. 7.—The Warner program at the preview of this picture states, "Mark Reed's daring stage hit reaches the screen unmarred by the translation, improved by ambitious motion picture staging." Showmen offering the film to their customers might toil long and fruitlessly in search of a more accurately informative line of ad copy. "Stage hit" it undeniably was, on Broadway, and "daring" it was and is. Neither can there be a question about the "ambitious motion picture staging," for the production presents such accomplished performers as Fay Bainter, Roland Young, May Robson, Ian Hunter and Genevieve Tobin in support of Priscilla Lane and Jeffrey Lynn. Further, it is directed by William Keighley from a screenplay by Casey Robinson, and Benjamin Glazer acted as associate producer.

The picture, like the play, deals with the doings of a modern family, to wit: Miss Lane and Lynn plan an unchaperoned pre-nuptial weekend. Miss Bainter, her mother, objects momentarily but consents when the daughter reminds her of her own youthful liberalism. Hunter, the father, learns of the project after the youngsters have left and sets out to bring them back. But Miss Robson, the grandmother, who declares in favor of shotgun weddings, arranges to head off pursuit. The youngsters have their weekend, without carnal incident, but the young man is quite disturbed, on their return, to learn their adventure has been no secret to the family. He is for calling the whole thing off, but the daughter meets him at the boat with a marriage license and all ends formally.

The film is of the kind that used to be called risque, later came to be known as sophisticated and, still later, smart. Its humour is of the kind sophisticated and/or smart adults pay as much as $5.50 a seat to see on Broadway stages. Naturally, therefore, it is not children's entertainment.

Running time, 82 minutes. "A."* ROSCOE WILLIAMS

*"A" denotes adult classification.

"Cafe Society"
(Paramount)

HOLLYWOOD, Feb. 7.—Faster, fairer and funnier than most films satirizing modes and manners of the moment, "Cafe Society" affords the uninitiate an insight into that for which it is named, and keeps the topic pleasant. With a nice roster of names for the marquee—Madeleine Carroll, Fred MacMurray, Shirley Ross, Claude Gillingwater and Paul Hurst, to name the tops—the film is first rate entertainment.

The production is appropriately glossy as to finish, glib of dialogue, and definite, without being serious, as to point. Half a dozen nicely separated speeches attend to the matter of defining the various meanings of the word society. The knowing will identify some of the characters with contemporary New Yorkers. Readers of syndicated columns will chuckle at details the uninformed may pass over. For the most part, though, the picture is simply a lively comedy, diverting, amusing and credible, with Shirley Ross singing a good song by Burton Lane and Frank Loesser in the middle of it.

The screenplay, an original by Virginia Van Upp, is about a rich young woman who marries a ship news reporter to win a bet from a columnist. Her grandfather persuades the couple to pretend to be happily wed, on the theory that happy marriages don't make news, and of course the ultimate annulment agreed upon never occurs. Miss Carroll, Miss Ross and MacMurray swap punches under various circumstances before the happy ending is arrived at.

It's a Jeff Lazarus production directed by Edward H. Griffith and an altogether satisfying all-purpose attraction.

Running time, 82 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Ernest Gal Starts Film Company Here

Ernest Gal, Hungarian producer, has organized Ernest Gal Film Productions here. The company plans to start production soon on an American film with a Hungarian theme, and also will distribute several films made by Gal in Hungary. In 1916 Gal established Corvin Film Co. in Budapest, with Alexander Korda.

Houses in Mo. Paid $385,140 Sales Levy

ST. LOUIS, Feb. 7.—Of the $20,000,000 collected in 1938 by the state of Missouri under the two per cent sales tax, $385,140 was paid on entertainment admissions. Of this amount $303,086 was paid by theatres and motion picture houses.

On this basis all classes of theatres did $15,150,000 gross business in the state in 1938.

'James' Beats Chicago Snow With $48,000

CHICAGO, Feb. 7.—"Jesse James" rode into the Loop last week and a snowstorm, but did a smash $48,000.

The Oriental with a new double feature-vaudeville policy did $14,800, and the State-Lake did $12,000 with "Sharpshooters."

Estimated takings for the week ending Feb. 1-4:

"Zaza" (Para.)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $4,600. (Average, $6,500)
"Jesse James" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Happy Felton and Band. Gross: $48,000. (Average, $32,000)
"Devil's Island" (W. B.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $5,200. (Average, $6,500)
"Mysterious Miss" (Rep.)
"Smashing the Spy Ring" (Col.)
ORIENTAL—(3,400) (25c-35c-50c, 7 days. Stage: Vaudeville Revue. Gross: $14,800. (Average, $13,000)
"Heart of the North" (W. B.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Ozzie Nelson and Band. Gross: $16,200. (Average, $19,000)
"Duke of West Point" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 3 days. Gross: $3,300. (Average, $11,000)
"Sharpshooters" (20th-Fox)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $12,000. (Average, $12,000)
"Out West with the Hardys" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $12,300. (Average, $15,000)

'Idiot's Delight' Does $19,000, Cincinnati

CINCINNATI, Feb. 7.—"Idiot's Delight" was the top grosser here, giving the RKO Albee $19,000.

"Jesse James" had a smash second week with $7,300 at the RKO Capitol, and held. "Kentucky" continued strong in its fifth week, pulling $3,600 at the RKO Grand. "Son of Frankenstein" did nicely with $10,800 at the RKO Palace.

Estimated takings for the week ending Feb. 2:

"Idiot's Delight" (M-G-M)
RKO ALBEE—(3,300) (35c-42c), 7 days. Gross: $19,000. (Average, $12,000)
"Son of Frankenstein" (Univ.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $10,800. (Average, $12,000)
"Lone Wolf Spy Hunt" (Col.)
RKO SHUBERT—(2,150) (35c-40c-60c) 7 days. Stage: Vaudeville headed by Billy House. Gross: $10,000. (Average, $12,000)
"Jesse James" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $7,300. (Average, $6,500)
"Paris Honeymoon" (Para.)
RKO LYRIC—(1,400) (35c-42c) 7 days, 2nd week. Gross: $3,500. (Average, $6,500)
"Kentucky" (20th-Fox)
RKO GRAND—(1,200) (25c-40c) 7 days, 5th week. Gross: $3,500. (Average, $2,750)
"The Strange Case of Dr. Meade" (Col.) (2 days)
"Federal Man Hunt" (Republic) (2 days)
"Torchy Gets Her Man" (W. B.) (3 days)
RKO FAMILY—(1,500) (15c-25c) Gross: $2,300. (Average, $2,450)
"Off the Record" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,500. (Average, $6,500)

Sign Stagehands' Pact

Major circuits here have signed contract renewals with the Stagehands' Union, Local 1, I. A. T. S. E. Contracts will run until February, 1940.

FOR THE RECORD

For the third successive year NBC scores outstanding victory in 3 great nationwide radio polls!

NBC is proud that its programs and personalities have proved so popular. And although space does not permit a complete listing of the awards voted in three great nationwide radio polls, for the record we list a few—and say a sincere "thanks" to all those whose votes have determined the winners! And for the record, too, our hearty congratulations to the artists, their sponsors, and to those who planned and produced their programs. *They* have enabled NBC to present on its networks "the greatest number of the most popular programs."

NATIONAL BROADCASTING COMPANY

A Service of the Radio Corporation of America

NEW YORK WORLD-TELEGRAM

Radio editors of United States and Canada

Division Winners . . . . . **8 out of 14—NBC!**

Programs . . . . . **First 6—NBC!**
11 out of First 15—NBC!

Comedians . . . . . **First 4—NBC!**
8 out of First 12—NBC!

Male Vocalists (Popular Music) . . . . **First 2—NBC!**
9 out of 11—NBC!

Vocalists (Classical Music) . . . . . **First 3—NBC!**
6 out of First 7—NBC!

FAME-MOTION PICTURE DAILY

400 leading radio editors, coast-to-coast

"Radio Champions of 1938" **4 out of 5—NBC!**

Best Popular Male Vocalist . . . . **First 4—NBC!**
4 out of First 5—NBC!

Best Classical Male Vocalist . . . . **First 3—NBC!**
3 out of First 5—NBC!

Best Comedian . . . . . **First 3—NBC!**
4 out of First 5—NBC!

Best Comedy Program . **5 out of First 5—NBC!**

Radio's Foremost Announcer
5 out of First 5—NBC!

RADIO DAILY

Editors and critics, coast-to-coast

Program popularity . **First 5 Programs—NBC!**
8 out of First 10—NBC!

Personality popularity **First 5 Personalities—NBC!**
7 out of First 10—NBC!

Malice Charged in Demand for Inquiry On Gaumont British

LONDON, Feb. 7.—Allegations that malice on the part of certain parties was behind the demand for an investigation of Gaumont British affairs were made today in the House of Commons, during questioning of Oliver Stanley, president of the Board of Trade, by Tom Williams.

Stanley admitted he had received representations from a G. B. director alleging malice, but had not regarded it as essential to publish the list of shareholders who had applied for the G. B. inquiry. He emphasized the importance of safeguarding minority stockholders in their right to apply for an inquiry without fear of the disclosure of their identities.

Stanley also was questioned relative to the alleged failure of the Films Act and the need of amendments. He declared the machinery was sufficiently elastic to permit of adjustments in quota, and claimed the act provided for the production of good films. In answer to a declaration that American producers are cutting production, Stanley said he saw no evidence of a decrease in American production as a permanent policy.

Dramatists Guild Finishes Pact Draft

Sidney Fleischer, attorney for the Dramatists' Guild, has completed the first draft of written modifications to the minimum basic agreement between the dramatists and legitimate stage producers. The draft, details of which were not made known, sets forth terms upon which film companies which back legitimate stage productions may purchase the motion picture rights prior to actual production of the play.

The new draft is the first definite indication that months of negotiations are nearing fruition. It will be turned over to J. Robert Rubin, vice president and counsel for Loew's, for consideration. Rubin is expected back from Florida in the latter part of next week.

N. Y. Allied Appoints Grievance Committee

ALBANY, Feb. 7.—New York Allied yesterday named a regional grievance committee comprising Kingsley Ryan of Ausable Forks, Leonard Rosenthal of Troy, George Thornton of Saugerties. Mrs. A. M. McNamara was elected secretary.

Projectionists Confer

Projectionists' Local 306 met with W. C. Michel, executive vice president of 20th Century-Fox, yesterday to discuss dismissals of several operators. The union has been picketing in protest and has called out operators employed at the home office and Movietone News.

Columbia Party Feb. 25

Columbian Club, company organization of Columbia Pictures, will stage its ninth annual dinner and dance at the Waldorf-Astoria Feb. 25. George Hall and his orchestra head the entertainment bill.

'Mrs. O'Brien' Is Tonight's Opening

Another George Abbott show, "Mrs. O'Brien Entertains," is set for opening tonight at the Lyceum. Written by Harry T. Madden, the play deals with inter-racial marriage among New York's immigrants in the pre-Civil War period. Included in the cast are Margaret Mullen, Harry Shannon, Marie Brown, James Lane, Walter Kinsella and others. As usual, Abbott directed.

Pascal to Film Life Of Amelia Earhart

Gabriel L. Pascal, British producer, has arranged with George Palmer Putnam, husband of the late Amelia Earhart, to make a film in Hollywood on the flier's life, possibly next year. Leopold Stokowski is working on the musical theme for the film.

Wendy Hiller, or Greer Garson, may play the Earhart role.

Pascal arrived from the coast yesterday by plane and will sail Friday on the *Queen Mary* to confer with George Bernard Shaw, who is completing the script on his "Doctor's Dilemma." Pascal expects to return to Hollywood late this month when work on the shooting script will begin.

Pascal has no release beyond "Doctor's Dilemma," which M-G-M will distribute. He prefers to negotiate individual deals.

Greer Garson, Roland Young, C. Aubrey Smith, Cedric Hardwicke, Paul Lukas and Jean Cadel, who is appearing in "Spring Meeting" at the Morosco, will be in the film.

Following, Pascal plans to make Shaw's "Major Barbara," and then will start "Devil's Disciple," which is scheduled for production in Hollywood, probably for M-G-M release.

Rex Cole has been named Pascal's business manager.

11 Nominations Due To RKO Board Today

(*Continued from page* 1)

man Bros.—Floyd B. Odlum, Peter J. Rathvon, Fred Ehrman and Walter Peterson.

Representing RKO's unsecured creditors—Lawrence Green.

Rathvon is held to be the choice for chairman of the new RKO company's finance committee. Members of the committee in addition to Rathvon are expected to be Yandell, Ehrman and Ruml. Harbord's name is mentioned as a possible choice for chairman of the board.

Proposed members of board must be approved by the court. Names of board members may go to the court along with the order for confirmation of the reorganization plan and proposed terms for underwriting by Atlas Corp. of $1,600,000 of new common stock to be offered for sale to unsecured creditors and, secondly, to present RKO common stockholders at a price per share to be approved by the court.

While confirmation of the plan on Friday is a possibility, it is not generally expected in reorganization circles until later.

Quigley Judges Meet To Study Campaigns

At the Hotel Astor, yesterday, the 29 industry judges of the 1938 Quigley Awards met to examine and study the campaigns of the entries earning the highest ratings during the four quarters of the past year's competitions. This is an annual event conducted by Managers' Round Table of *Motion Picture Herald,* under direction of A-Mike Vogel.

The judges' verdicts will be announced in the next issue of *Motion Picture Herald.*

A luncheon to the judges was given by Martin Quigley following the examination of the campaigns. He introduced Vogel, who outlined briefly the changes in the method of judging the campaigns, as compared with previous methods.

Guest of honor was Merlin H. Aylesworth, publisher of the *New York World-Telegram.* Aylesworth, former head of RKO and NBC, spoke on the similarities in purpose of radio, films and newspapers. He urged that film critics be more considerate of the picture industry and more tolerant and understanding of the public's tastes in entertainment.

He urged those who make films not to attempt to use their art for partisan purposes.

Among those at the luncheon were:

Al Adams, Republic Pictures; Maurice A. Bergman, Columbia; Harry Buckley, United Artists; Oscar A. Doob, Loew's Theatres; Lynn Farnol, United Artists; Ed Fay, Fay Theatres; Monroe Greenthal, United Artists; John LeRoy Johnston, Walter Wanger Co.; Morris Kinzler, Irving Lesser, Roxy; Louis Lifton, Monogram; Charles E. McCarthy, Twentieth Century-Fox; Frank J. McCarthy, Universal; S. Barrett McCormick, RKO-Radio; Harry Mandel, RKO-Radio, Alex Manta, Indiana-Illinois Theatres; Arthur L. Mayer, Rialto; Dan Michalove, National Theatres; Alec Moss, Paramount; Leon D. Netter, Paramount; John J. O'Connor, RKO-Radio; Louis Pollock, Universal; Si Seadler, M-G-M; Milton Silver, National Screen; George C. Walsh, Netco Theatres; Gordon S. White, Grand National; Herman Wobber, Twentieth Century-Fox, and Terry Ramsaye, editor, *Motion Picture Herald.*

'St. Louis Blues' to Open at Paramount

"St. Louis Blues" opens today at the Paramount with Vincent Lopez and his orchestra heading the stage show. Second week of "Paris Honeymoon" grossed an estimated $30,000 there. "Boy Slaves" will also start today at the Rialto.

"Son of Frankenstein" grossed an estimated $25,000 at the Rivoli in its first week and will continue there until Friday when "One Third of a Nation" opens. Sixth week of "The Lady Vanishes" attracted an estimated $7,800 to the Globe. "Wings of the Navy," "Gunga Din" and "Idiot's Delight" are doing first rate business and are all held over. "Made for Each Other" will go into the Music Hall on Feb. 16. "Grand Illusion" will be retained for a 22nd week at the Filmarte.

Banner LINES

The Chase and Sanborn Hour, which last year stirred up listeners with the broadcast of Mae West's "Garden of Eden" skit, on Sunday offered a dramatization which left this listener—and we know some others—under the poisoned impression that the hero of the action was a narcotic addict.

The dramatization was titled "Next Time We Live," and featured Barbara Stanwyck and Don Ameche. The action briefly was this: Ameche, a newspaper writer, marries Miss Stanwyck, a college girl. The marriage takes an unhappy turn and Ameche sets out on assignments which take him to foreign lands. Later, Miss Stanwyck follows the trail of her husband and catches up with him in Switzerland where he is ill.

The script glossed over the nature of his illness, and this omission of fact coupled with the meaningful dialogue that followed provided the reprehensible overtones of narcotic addiction.

The master script here described Ameche as barely able to speak. Upon the entrance of his wife he said: "Right hand coat pocket—glass ampule—break it in two" and the wife replying "Oh my dear—why didn't you tell me? Why couldn't I have guessed? You're sick." A later reference was to a sanitarium where Ameche had been a patient.

We know there was no intent to imply narcotic addiction. The original story on which the script was based had the husband suffering from tuberculosis. In avoiding the evil of talking about tuberculosis on an entertainment program, the producers carelessly committed a greater evil.

JACK BANNER

Wanger, Niebuhr and Phelps at Town Hall

Producer Walter Wanger will enter the America's Town Hall discussions on Feb. 16. He will speak on the part the motion picture industry has played in improving twentieth century mankind. Other participants in the talk include William Lyons Phelps of Yale; Reinhold Niebuhr, professor of Applied Christianity at Union Theological Seminary and Dr. Harlow Shapley, astronomer at Mt. Wilson Observatory. Title of the discussion is "Has Twentieth Century Civilization Improved Mankind?"

The talks will be broadcast over the NBC-Blue network and will be short-waved also.

Wanger was invited to participate in the Town Hall meeting yesterday, and gave his immediate acceptance.

Recently Wanger won honorary mention in the Town Hall for his essay contribution of "What Is America's Greatest Need?"

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 28 NEW YORK, THURSDAY, FEBRUARY 9, 1939 TEN CENTS

NBC Seeking Film Tieups On Television

Has Made Approaches to All Larger Studios

NBC's television department has made definite approaches to practically all of the major motion picture studios to effect tieups for televised showings of feature length and short subjects pictures on the RCA-NBC television schedule, which is to begin regular operations shortly after the opening of the New York World's Fair.

Because no deals have been completed as yet, the network's television heads are reluctant about discussing the progress and present state of the film negotiations. It is officially asserted, however, that all studios have given evidence of keen interest in showing some of their product before the television lens. Studios approached thus far, it is learned, include 20th Century-Fox, M-G-M, Warners and Gaumont-British. Latter company has had previous experience in television, last year permitting the televised showing of its picture, "Return of the Scarlet Pimpernel" to an audience of several hundred in the NBC-RCA television studios.

Acknowledgment of definite tieups with several studios may be expected within the next month or so, it was said at NBC yesterday.

7 Nominated for Thalberg Award

HOLLYWOOD, Feb. 8.—Samuel Goldwyn, Joseph Pasternak, David O. Selznick, Hunt Stromberg, Hal B. Wallis, Walter Wanger and Darryl F. Zanuck, last year's winner, today were nominated for the Irving G. Thalberg Memorial Award of the Academy of Motion Picture Arts and Sciences. The award is given for "the most consistent high quality of production achievement by an individual producer, based on pictures he has personally produced during the preceding year."

Members of the special nominating committee appointed by Frank Capra of the Academy to name candidates for this award are Pandro S. Berman, Harry Cohn, Y. Frank Freeman, Samuel Goldwyn, Louis B. Mayer, Hal Roach, Joseph M. Schenck, M. J. Siegel, Walter Wanger, Jack L. Warner and Cliff Work. Ballots for final voting will be mailed Feb. 10.

Pettijohn Is Visitor At the White House

Washington, Feb. 8.—Visitors at the White House today included Charles C. Pettijohn, general counsel of the M. P. P. D. A.

The purpose of the visit was not made known, but presumably it was designed to acquaint President Roosevelt with the latest developments in the international film situation.

Schaefer Says No Deal with Gordon On 2 B'way Plays

HOLLYWOOD, Feb. 8.—"No deal has been closed." This is George Schaefer's reply to an inquiry concerning reports that RKO had closed with Max Gordon, Sam Harris and Harry Goetz for purchase and filming of two Broadway plays, "The American Way" and "Abe Lincoln in Illinois." The latter play was produced by the Playwrights' Company.

"The American Way" is reputed to have cost more than $300,000 to produce.

Gordon has been mentioned as desirous of purchasing the Lincoln play and selling that play with "The American Way" for pictures under a plan whereby Gordon, himself, would go along with the transaction in a producer capacity.

This Gordon-Goetz plan had been proposed to several film firms, including RKO. Terms which were demanded by the Gordon group were considered too high by certain of these companies. Among the firms involved were Warners and Paramount.

Max Gordon had been associated with the RKO studios once before, for a short time only, in a special production capacity.

First Quarter Net For Universal May Reach $200,000

Universal was in the black for the first quarter of its current fiscal year, the period from Nov. 1 to Feb. 1, following a profitable three months, comprising the final quarter of the fiscal year ended Nov. 1, last. Profit for that quarter is estimated at $200,000. Profit for the first quarter of the current fiscal year will be nominal, but will compare with a loss of almost $400,000 for the same quarter last year.

Operations for the past consecutive six months are the first in more than 10 years that Universal has been in the black for a like period. The company's annual financial statement is scheduled to be released in about 10 days. Indications are that it will show a loss of around $550,000 for the 12 months ended Nov. 1, last, compared with a loss of approximately $1,200,000 for the preceding year.

Creditors Receive RKO Confirmation

Order providing for confirmation by the Federal District Court of RKO's reorganization plan was sent to creditors of the company yesterday.

Despite the fact that the distribution of the order meets the required two-day minimum notice which would permit signing of the order tomorrow by Federal Judge William Bondy, there is little expectancy of that happening until a later date.

Nominees of the principal creditors for membership on the reorganized company's board of directors will be presented to Judge Bondy at tomorrow's hearing. As reported in MOTION PICTURE DAILY yesterday along with the names of the leading nominees for the RKO directorate, the board will consist of 11 members named for two-year terms.

Rodgers Gets Proposals of Allied on Pact

Distributors' Counsel to Study Recommendations

Allied States' proposals on the industry plan of self-regulation of trade practices were received in New York yesterday by William F. Rodgers, chairman of the distributors' negotiating committee. The proposals were prepared by Abram F. Myers, board chairman.

At the request of distributors' counsel, Myers undertook a revision of the arbitration provisions in the draft, including the principles and mechanics of arbitration and the field to be covered. Allied had demanded specific rules and regulations with an enforcement provision.

Will Be Studied

Indications are that the proposals will be studied by attorneys for the distributors, who will report to the negotiating committee on them some time next week. No procedure beyond that immediate likelihood has been mapped out yet. However, it is assumed by distribution executives that in the event the Allied proposals are practical and do not materially alter the basis of the plan already agreed upon with other exhibitor organizations, they could be added to the plan without further exhibitor-distributor negotiations.

If, on the other hand, they materially affected any understandings already reached by exhibitors and distributors, new negotiations would

(*Continued on page 4*)

Duties of Freeman, Le Baron Explained

Hollywood, Feb. 8.—To dispel rumors concerning their respective positions at the Paramount studio, Y. Frank Freeman and William LeBaron made the following statements at a dinner to company executives here:

Freeman: "Production is a full time job and it is not my job."

LeBaron: "There is absolutely no conflict between the position of Mr. Freeman and anyone else in the studio."

Other meetings of studio executives are planned for regular intervals in the studio cafe.

American Films Get Most Of Playing Time in India

American films get the bulk of the playing time in India's 1,000 theatres, but the Hindus resent their being depicted as villains, it is reported by Herbert H. Cooper, Calcutta film importer, who has arrived for business deals.

As an instance of the natives' growing national consciousness, when "Drums" played in Bombay, the masses were incited to demonstrate by agitators and casualties resulted when patrons entering the theatre were attacked. There was also widespread picketing.

Film business is prosperous in India, which is an undeveloped market for independent distributors, according to Cooper. American product is more

(*Continued on page 4*)

Moss Planning No Games Ordinance

Reports among New York exhibitors that License Commissioner Paul Moss intends to sponsor an ordinance banning chance games are denied by the Commissioner.

He also denied that his department might seek the introduction of a bill in the state legislature to abolish money giveaways.

The fate of chance games in Greater New York, he reiterated, will stand or fall on the outcome of the Jewel Theatre lottery case in Special Sessions Court Feb. 15.

If the decision is against chance games, Commissioner Moss will have a legal weapon. Otherwise, he will continue to seek a voluntary agreement among exhibitors, churches and clubs, the chances for which do not appear bright.

Kansas Measure's Passage Uncertain

KANSAS CITY, Feb. 8.—Theatre executives in this vicinity are unable to estimate the strength behind the affiliated theatre "divorce" bill introduced in the Kansas legislature late last week. No predictions of the measure's chances of defeat or passage are available.

The measure, introduced by Representative Blake Williamson of this city, would become effective Jan. 1, 1940. It makes unlawful the operation in the state of any theatre "owned, controlled, managed or operated in whole or in part by any producer or distributor . . . or in which any . . . producer distributor has any interest."

The bill makes a condition of lawful theatre operation that the person operating the house shall file with the secretary of state within 30 days after date of the act's becoming law, and annually thereafter on or before Jan. 15, an affidavit that the theatre is not owned, controlled, managed or operated by a producer or distributor.

Failure to file the affidavit or other violation of the law is a misdemeanor carrying a maximum fine of $10,000 and/or a year's imprisonment.

Lord Baldwin Fund Collection $160,000

LONDON, Feb. 8.—Total receipts of the Lord Baldwin Refugee Fund collections in stage and screen theatres in England amounted to $160,000. The share contributed by film houses totaled $140,000.

Mountbatten Lunch Attended by Zukor

London, Feb. 8.—Adolph Zukor, Paramount head of foreign activities, today met the Duke of Kent, Lord Louis Mountbatten and other Admiralty and Treasury officials, and representatives of the Royal Naval Film Corp. at a company luncheon at the home of Lord Mountbatten. David Rose and John Hicks also were present.

Purely Personal

S. CHARLES EINFELD, Warner director of advertising and publicity, arrives Monday from the coast.

•

HUMPHREY BOGART, Warner star, and his wife, MEYO METHOT, will arrive in New York tomorrow for a two-week vacation. He will go to Oklahoma City March 3 for the premiere of "Oklahoma Kid."

•

HARLAN THOMSON and ROBERT FLOREY, producer and director for Paramount, respectively, are in San Diego in search of a location for scenes in "The Magnificent Fraud."

•

NORMAN NIELSON, RKO office manager in Omaha, is the father of a boy born at the Methodist Hospital, Omaha.

•

GUS EYSSELL, assistant managing director of the Music Hall, is back in town and will return to his desk today.

•

KENNETH THOMSON, executive secretary of the Screen Actors' Guild, returns to the coast Saturday.

•

AL ADAMS, Republic advertising and publicity head, was out with the grippe yesterday.

•

LOU and BERNARD BRANDT are due back Monday from a three-week vacation in Florida.

DR. HERBERT KALMUS, Technicolor president, arrives from London on the *Queen Mary* today. Other passengers are I. CREMIEU-JAVAL, head of British Acoustics Films; VINCENT SHEEHAN, author of "Personal History," and HENRY SHEREK, London theatrical producer.

•

VYVYAN DONNER will make a personal appearance at the 6 P. M. performance today at Rockefeller Center Newsreel Theatre, in connection with her latest color Movietone short on fashions.

•

LOU JOFFE of the RKO legal department and MRS. JOFFE, who is PEGGY FOLDES of the publicity department, leave Saturday for a Miami vacation.

•

WATTERSON R. and MRS. ROTHACKER leave Saturday on the *Nieuw Amsterdam* for an extensive South American cruise.

•

GERTRUDE STUDDERT, personnel director for B. & K. in Chicago, is recovering from an appendicitis operation.

•

PHIL DUNAS, Columbia district manager in Chicago, is back at his desk after an illness of three weeks.

•

REX COLE is here from the coast.

CEA Will Oppose Quota Increases

LONDON, Feb. 8.—Cinematograph Exhibitors' Association today threatened strong opposition to producer and employe demands for increases in the quota percentages, declaring that quota comment is premature at this time.

It was determined that Western Electric contracts will not be renewed until service charges are reduced.

Minneapolis Journal Poll to 'Snow White'

MINNEAPOLIS, Feb. 8.—Bette Davis in "Jezebel," Spencer Tracy in "Boys Town" and Walt Disney's "Snow White and the Seven Dwarfs" were the winners in the 1938 Critics of America Poll of the *Minneapolis Journal*. Critics from all 48 states, 1,021 in all, cast ballots.

Grant RKO Appeal

Leave to appeal to the Circuit Court of Appeals from the order of Federal Judge William Bondy, which approved the plan of reorganization of RKO, has been granted to H. Cassel & Co., holders of $270,000 in 10-year six per cent gold debentures, by Judge Bondy.

Raise $100,000 Fund

CHICAGO, Feb. 8.—More than $101,500 has been raised by the amusement division of the Jewish Foreign Welfare Drive here, according to Jack Kirsch, chairman. The $100,000 quota will be exceeded by at least $15,000 to $25,000, it is expected.

Appeal Granted in Collins-Metro Suit

Federal Judge William Bondy yesterday granted leave to Dolores Lacy Collins, as administratrix of Jimmy Collins, to appeal to the Circuit Court of Appeals from an order of Judge Alfred C. Coxe, which dismissed the first count of a complaint against M-G-M Pictures Corp., M-G-M Distributing Corp., Loew's, Inc. and Culver Export Corp. Suit charges infringement of a book, "Test Pilot," in the film of the same name, and asks for $1,000,000 damages.

Chicago House Ends Duals After Survey

CHICAGO, Feb. 8.—Double features are a thing of the past at the Esquire, operated by the H. & E. Balaban Circuit. Following a survey of patrons, the theatre management has determined that the majority prefer a single feature and short subjects, according to Elmer Balaban.

Regent Is Reelected

ALBANY, Feb. 8.—New York Assembly and Senate have unanimously reelected William Leland Thompson of Troy to the 12-year term as a member of the Board of Regents. The board hears appeals from film censor decisions in the state.

House Goes to Duals

HAMMOND, Ind., Feb. 8.—Warners' Paramount here has adopted double features as a regular policy. The Paramount has been showing single bills for years, but business conditions are such theatre executives state that duals will be more advantageous.

Hollywood Satire Will Open Tonight

"Stars in Your Eyes," a musical satire of Hollywood, bows in tonight at the Majestic. The book is by J. P. McEvoy, with lyrics by Dorothy Fields, and songs by Arthur Schwartz. Ethel Merman, Jimmy Durante, Tamara Toumanova, Richard Carlson, Mildred Natwick and others are in the cast. Joshua Logan directed and Dwight Deere Wiman produced.

Preferred Dividend Set by U.A. Circuit

Regular quarterly dividend of $1.25 a share on the five per cent preferred stock has been declared by United Artists Theatre Circuit, Inc., directors. The dividend is payable March 15 to stockholders of record March 1.

The directors reelected all officers, as follows: Joseph M. Schenck, chairman of the board and president; Lee Shubert, Dennis F. O'Brien, vice-presidents; William P. Philips, vice-president and treasurer; Bertram S. Nayfack, secretary, and A. M. Georger, comptroller.

Wilmington Catholics Take Decency Pledge

WILMINGTON, Feb. 8.—Catholics of the Diocese of Wilmington took the Legion of Decency pledge to refuse to patronize films harmful to faith and morals at all church masses in every city church on Sunday. Priests who administered the pledge emphasized that 90 per cent or more of the films at present are good pictures, providing clean entertainment.

Ask Disney Dismissal

Application will be made today to N. Y. Supreme Court Justice Ferdinand Pecora by Walt Disney Productions, Ltd., to dismiss a $300,000 damage suit against it and RCA Mfg. Co., brought by Adriana Caselotti, who impersonated Snow White in the picture, "Snow White and the Seven Dwarfs."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager: William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



AFTER A WIDE PRE-RELEASE THAT EMBRACED SITUATIONS SELECTED TO INCLUDE BIG CITY AND SMALL TOWN AND NATIONAL GEOGRAPHICAL DIFFERENCES WARNER BROS. ARE PLEASED TO REPORT THAT 'WINGS OF THE NAVY' IS ACTUALLY OUTGROSSING 'FOUR DAUGHTERS'. REGULAR RELEASE THIS WEEK

Screen Actors' Guild Terminates Contract With Equity on Dues

Screen Actors' Guild yesterday terminated its special contract with Actors' Equity under which the Guild has been paying a portion of the dues received to Equity when the latter's members came into the Guild's jurisdiction. Announcement of the termination, which will become effective in November, was made jointly by Kenneth Thomson, executive secretary of the S. A. G., and Arthur Byron, Equity president, and contained many protestations from both that the agreement was "amicable."

Equity will lose approximately $12,000 annually, or about 15 per cent of its present income. Heretofore, the Guild has paid over $18 for each Equity member whose Guild dues were $30 or more, and $15 for other Equity members. Payments will continue unchanged until May 1, will be reduced somewhat until November, and then will cease entirely. After November, membership cards will be interchanged on the same basis that exists between all other branches of the Associated Actors and Artistes of America.

Consider Increase

Branches of the Associated Actors & Artistes of America are considering a proposal passed by the international board to increase annual per capita contributions to the parent body from a flat $1 per member payment to seven per cent of total income from dues.

Despite the resolution barring non-entertainers, the American Federation of Actors will continue to enroll non-performers in the circus field. Arrangements will be made to pay the per capita tax for such members direct to the A. F. of L. Voting privileges at the A. A. A. A. will be curtailed, but otherwise the present A. F. A. set up will not be changed as non-entertainers are grouped separately and controlled by a different governing body. American Federation of Radio Artists officials stated that the ban will not affect them.

Bank Night Upheld In Wisconsin Ruling

MILWAUKEE, Feb. 8.—Police Chief Joseph T. Kluchesky's attempt to obtain warrants against 21 local theatres since last January on charges of violating the lottery law in connection with playing of Bank Night received a setback with the announcement by John E. Martin, newly elected attorney general, that the games do not constitute a lottery.

Martin held that so many "reasonable doubts" arise in attempts to prosecute Bank Night operations that juries have voted acquittal in every case. He said legislative action would be necessary to dispel the doubts.

The local police department is continuing, however, the drive against bingo promoters who stage their games in the name of charitable and church organizations. As a result of this campaign, August Gieldon, one promoter, was fined $25 by Dist. Judge Harvey L. Neelen and another was given a suspended sentence upon his promise to discontinue the games.

New York Previews

"King of the Turf"

(*Small-United Artists*)

Here is a picture that will appeal to all, whether they are interested in horse racing or not. Adolphe Menjou, as Jim Mason the trainer who drank himself from the top of the heap to the gutter, makes it an all 'round picture, ably abetted by Roger Daniel, a 14-year-old, who will be heard from unless all signs fail. As Goldie, a runaway who loved horses more than his home in Westchester, Daniel brings Mason back on top, after a series of exciting episodes centering around the Gold Cup, which Goldie wins with Red Gold, Mason's "two-buck" horse.

Although racing is the theme, there is a deeper note, which, less ably handled than it was by the adept Menjou, would have been almost a sermon to runaway boys. It gives the other side of the picture, which the boy, seeing only the glory of his great adventure, does not see. Dolores Costello, stalwart trouper that she is, helps Menjou mightily in keeping the story from sermonizing too strongly while putting over the wise advice to runaway boys or prospective runaways.

Although the "big race," in which Goldie wins for Mason, is the highlight of the picture and is packed with all the thrills that have filled so many real classics of the turf, the really great scene is one between Menjou and Daniel. In it Menjou, simulating drunkenness, tries to make Goldie go back to his mother by pretending to enter into a double cross with a bunch of track gamblers. Menjou, in his quiet way, puts it over while Daniel reaches real heights for a boy of 14. So smoothly do the two work together, however, and so gripping the scene that there is no question of stealing it.

"King of the Turf" should be box-office, without question.

Running time, 88 minutes. "G."*

"Navy Secrets"

(*Monogram*)

Monogram, like a number of other studios, follows the recent spy scare newspaper headlines and from printer's ink abstracts a likeable story titled "Navy Secrets." Fay Wray and Grant Withers play the leads.

The spy ring is after the secret naval papers that disclose the construction of the navy's latest range finder. Naval intelligence traces the leak in the navy's plans to Jimmy, a petty officer who is put in the brig. Steve, of the intelligence division, played by Withers, is detailed to the case and meets Jimmy's girl, whom he suspects of being in league with the plotters. Enters romance and quite a bit of excitement, ultimately concluding with the capture of the coterie of spies.

There is much striving to carry through until near the end the impression that Fay Wray is really one of the spies and not an intelligence officer, but if audiences are fooled that will be their fault.

Running time, 60 minutes. "G."*

JACK BANNER

**"G" denotes general classification.*

Ready for Licensing Of Hollywood Agents

HOLLYWOOD, Feb. 8.—The Artists Managers Guild and Screen Actors Guild have virtually completed negotiations for licensing of Hollywood agents and only one more point remains to be cleared, Bert Allenberg, executive secretary of A. M. G., said today. The controversial point in the 19-point program is length of contract. It is expected complete agreement will be worked out with return of Lawrence Beilenson, S. A. G. attorney, and Kenneth Thomson, S. A. G. secretary, from New York.

London Television Move

LONDON, Feb. 8.—It is reported that a London screen television theatre is about to sign a contract for broadcasts with the approval of the British Broadcasting Corp. This may mean that the ban on cinema television will be lifted.

'Idiot's Delight' Gets $60,000 at Capitol

"Idiot's Delight" grossed an estimated $60,000 in its first week at the Capitol for one of the biggest weeks at the house in some time. It is definitely slated for a three-week run and may go four. At the Music Hall, "Gunga Din" drew an estimated $86,500 in its second week and will be held for a third.

Circuit Holds Meet

KANSAS CITY, Feb. 8.—Commonwealth Amusement Corp. is holding a two-day conference on exhibition matters at the Hotel President here today and tomorrow. C. A. Schultz, head of the company, is presiding.

Settle 20th-Fox Strike

Projectionists' Local settled its dispute with 20th Century Fox yesterday and the operators returned to work. Details of the settlement were not made known.

Kansas-Missouri Owners Will Defer Ascap Legislation

KANSAS CITY, Feb. 8.—Directors of the Kansas-Missouri Theatres Association have voted to defer the introduction of anti-Ascap legislation in both the Kansas and Missouri legislatures until the constitutionality of such legislation has been passed upon by the U. S. Supreme Court.

Litigation involving the constitutionality of anti-Ascap measures enacted by Florida and Washington is before the high court now with a decision expected in the near future.

Bills patterned after existing anti-Ascap legislation have been prepared by the K. M. T. A. and are in readiness for introduction in the legislatures of both states, said Frank Cassil, president of the exhibitor association.

Rodgers Gets Allied Proposals on Pact

(*Continued from page* 1)

have to be held. There is also the possibility that proposals may be rejected as impractical.

However, it is understood that Myers' proposals are confined principally to means of arbitrating trade practice complaints between exhibitors, or between exhibitors and distributors. Inasmuch as the rules and procedures of arbitration are well established by both common and statutory law there is little or no possibility that the Allied proposals will affect the plan basically, even if they are adopted.

The surmise is that Myers may have essayed alternatives, other than the established court judgment route, for enforcing arbitration rulings.

Distributors are prepared to incorporate as much of the trade practice plan as possible in their new season contracts and to cooperate at the earliest possible date in establishing local boards to give effect to those sections of the plan which are not logically a part of exhibition contracts.

U.S. Films Get Most of Playing Time in India

(*Continued from page* 1)

popular than English or Indian. The country has a well developed film industry, with several studios in Bombay and Calcutta turning out native films, which usually are heavy melodramas, often with a religious theme. It is not unusual for domestic films to run 20 to 40 weeks at a theatre, but their distribution is limited.

The Hindu masses, largely illiterate, are avid film fans and may see a picture two or three times. They like slapstick, and Laurel and Hardy films are big grossers. Norma Shearer and Luise Rainer are popular.

Cooper heads the Herbert Cooper Enterprises and Commercial Film Ads in Calcutta. He is conferring with his New York representative, S. R. Kunkis, and is seeking independent product for the Indian market.

Joe Brandt Critically Ill

LOS ANGELES, Feb. 8.—Joe Brandt, who underwent an operation for removal of a tumor, was reported in a critical condition late last night.



STAGECOACH

IS COMING!!

2 WOMEN ON A DESPERATE JOURNEY WITH 7 STRANGE MEN . . . . . .

WALTER WANGER presents

STAGE



Dance-Hall Girl: **Nothing mattered but a man she'd never seen before.**



Convict: **He gave himself up in order to be taken to Lordsburg; where three men waited to kill him.**



Man of Mystery: **A strange whim, something from the past...forced him to go on.**



Doctor: **It took 12 cups of coffee to sober him in time.**

COACH



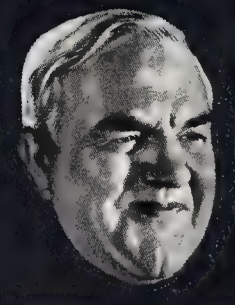
Wife: "We must go on, I've got to find my husband."



Marshal: Why did he release his prisoner?



Traveling Salesman: "I'm a married man ...father of five...I insist we go back."



Banker: Why so careful of the little black bag?



Driver: He wanted to go home.

Here it is . . a motion picture of real **GREATNESS!** It answers the exhibitor's definition of greatness with box-office . . the producer's definition with production perfection..and the public's definition with superb acting and **ONE SMASH CLIMAX AFTER ANOTHER.** Preview reports, columnists' comments, the Hollywood grapevine already are spreading the word across the country that "Stagecoach" is as big as the plains . . yet it has nine startling individual performances that will definitely create film history. In acting and action "Stagecoach" grips you and never lets you go. Many big pictures have just missed greatness by a split second. **"STAGECOACH" HITS IT RIGHT ON THE BUTTON!**



STAGECOACH

A **WALTER WANGER** Production • Directed by **JOHN FORD** (Director of "Hurricane" and "The Informer")

with **CLAIRE TREVOR • JOHN WAYNE**

Andy DEVINE • John CARRADINE • Thomas MITCHELL • Louise PLATT • George BANCROFT • Donald MEEK • Berton CHURCHILL • Tim HOLT

RELEASED THRU UNITED ARTISTS

Milwaukee Spends $9,500 to Watch Jesse James Ride

MILWAUKEE, Feb. 8. — "Jesse James" was the week's best bet with $9,500 at Fox's Wisconsin. Only other house to clear average was the Riverside, where the "Strange Case of Dr. Meade," and Stanley Morner, local lad, on the stage, grossed $6,000.

The Little, after being dark for two weeks for installation of sound equipment, grossed $3,000 with "Pagliacci."

Estimated takings for the week ending Feb. 1-3:

"Thanks for Everything" (RKO)
"Disbarred" (Para.)
PALACE—(2,400) (35c-50c) 6 days. Gross: $4,000. (Average, $5,000)
"Jesse James" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $9,500. (Average, $8,000)
"Pagliacci" (G. B.)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $3,000.
"Strange Case of Dr. Meade" (Col.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Stanley Morner. Gross: $6,000. (Average, $5,000)
"Stand Up and Fight" (M-G-M)
"Dramatic School" (M-G-M)
STRAND—(1,400) (35c-50c) 4 days. Gross: $1,800. (Average, $4,500)
"Topper Takes A Trip" (U. A.)
"Devil's Island" (W. B.)
STRAND—(1,400) (35c-50c) 3 days. Gross: $1,500. (Average, $4,500)
"They Made Me A Criminal" (W. B.)
"Going Places" (F. N.)
WARNER—(2,400) (35c-50c) 7 days. Gross: $5,000. (Average, $5,000)

Chase Sells 14,600 Shares of 20th-Fox

WASHINGTON, Feb. 8.—Disposition by the Chase National Bank of 14,600 shares of the 20th Century-Fox common stock it is holding in escrow, in a series of transactions through December, has been reported by the Securities and Exchange Commission in its semi-monthly summary.

At the close of the year, the bank reported, it still held 222,158 shares of common and 671,916 shares of 20th Century-Fox preferred.

The only other year-end film stock transactions reported in the first of two summaries for December were the disposition of 100 shares of Loew's common by Isidor Frey, New York, director, reducing his holdings to 200 shares, and the disposition of 400 shares of Trans-Lux Corp. common by Robert L. Gordon, New York, director, who still retained 500 shares at the end of the year.

Play Price Cuts in Phila. Film Threat

PHILADELPHIA, Feb. 8.—Film house operators are disturbed about a new form of competition from the legitimate theatres, two of which recently have adopted a $1 top policy all over the house, selling the seats on a first-come, first-served basis.

When the stunt was tried two weeks ago with "What a Life" at the Locust, it was believed to be merely a box-office stunt. The following week, "The Women" adopted the practice at the Forrest.

Further competition loomed with the Federal Theatre, now producing at the Walnut, reducing the box-office top from $1.50 to 75 cents. If the lower prices become the rule, showmen look for an effect on down-town film trade.

Out Hollywood Way

HOLLYWOOD, Feb. 8. — Twentieth Century-Fox and the RITZ BROTHERS have made up, and the Ritzes have reported for work in "The Gorilla" . . . RKO has signed GEORGE O'BRIEN to a new term contract. He has three more pictures on his old deal to do before the new contract goes into effect. . . . IRENE FRANKLIN has been cast in "What's a Fixer For," RKO's LEE TRACY vehicle . . . CHARLES BARTON, veteran director and assistant director, has turned actor, and signed to a long-term contract by Paramount. He is working in "Beau Geste" at present. . . . Paramount has purchased "City Mother," original story by ROBERT BREN and GLADYS ATWATER . . . For the first time, MICKEY ROONEY will be given solo star billing, this time in M-G-M's "Huckleberry Finn" . . . Warners' is planning "American Family," picture which will have the same principals, JOHN GARFIELD, PRISCILLA LANE, ROSEMARY LANE, GALE PAGE, JEFFREY LYNN, MAY ROBSON, CLAUDE RAINS, DICK FORAN and LOLA LANE, as "Four Daughters."

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HARRY BARRIS has been signed for a featured role in "Some Like It Hot," at Paramount . . . Warners will make another series of pictures—"Old and Young King Brady," in which the principal roles will be those of a veteran homicide squad detective and his policeman son who believes in scientific crime detection. RONALD REAGAN has been cast as the son. The stories will be written by SCOTT LITTLETON, former district attorney's investigator who has turned writer, and JOHN KRAFT . . . Universal is grooming another child. It's GLORIA JEAN DEAN, 10 years old, who will be featured in "The Underpup," from an I. A. R. WYLIE story adapted by GROVER JONES. Supporting her will be NAN GREY and JUANITA QUIGLEY. JOE PASTERNAK, because of his success with the DEANNA DURBIN pictures, will produce "The Underpup."

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LUPE VELEZ will start work next month in "The Girl from Mexico," at RKO. The picture, a comedy with music, will be directed by LESLIE GOODWINS. The original story was written by LIONEL HOUSE, who with JOSEPH FIELDS did the script . . . WILLIAM WYLER has taken an option on "Prelude to Freedom," story of the Thomas Jefferson administration written by JOHN HUSTON and M. L. GUNSBERG. HUSTON did research on the subject for a period of seven years. PAUL KOHNER handled HUSTON's end of the deal.

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IONE REED, Hollywood stunt girl injured in a studio mishap, spent three months in bed recovering from her hurts. To while away the time, she wrote a book, "Stunt Girls," which Putnam has accepted . . . WILFRED M. CLINE, veteran of the color cameras, has been set to handle color photography with LEE GARMES on "Gone with the Wind," Selznick International.

'James' $12,000 In Indianapolis

INDIANAPOLIS, Feb. 8. — "Jesse James" was a smash at the Indiana with $12,000. Ted Weems' Band on the stage and "King of the Underworld" on the screen turned in a strong $12,000 at the Lyric. "They Made Me a Criminal," dualled with "Torchy Blane in Chinatown" at the Circle, took $5,200.

Estimated takings for the week ending Feb. 2-3:

"Pacific Liner" (RKO)
"Fighting Thoroughbreds" (Rep.)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,000. (Average, $3,000)
"Torchy Blane in Chinatown" (W.B.)
"They Made Me a Criminal" (W.B.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $5,200. (Average, $4,500)
"Jesse James" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $12,000. (Average, $5,000)
"Duke of West Point" (U.A.)
"There's That Woman Again" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $6,000. (Average, $7,000)
"King of the Underworld" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Ted Weems band plus vaudeville. Gross: $12,000. (Average, $8,000)

Du-Art Suit Settled

Suit for $1,000,000 damages brought by Du-Art Film Laboratories, Inc., and Arthur Gottlieb against Consolidated Film Industries, Inc., has been settled before Federal Judge Harold P. Burke. Terms of settlement were not revealed. Complaint had alleged that Universal had been induced to breach its contract with Du-Art and Gottlieb.

'Delight' $14,600 Leader in Buffalo

BUFFALO, Feb. 8.—"Idiot's Delight" earned $14,600 at the Buffalo.

The Great Lakes played "They Made Me a Criminal" to $8,400. As the only dual in town, "Newsboys' Home" and "Prison Break" took $8,300 at the Lafayette.

Estimated takings for the week ending Feb. 4:

"Idiot's Delight" (M-G-M)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $14,600. (Average, $12,000)
"The Made Me a Criminal" (W.B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $8,400. (Average, $7,500)
"Stand Up and Fight" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. (Second week). Gross: $4,000. (Average, $6,800)
"Dawn Patrol" (W.B.)
CENTURY—(3,000) (25c) 7 days (Second week). Gross: $4,500. (Average, $6,000)
"Newsboys' Home" (Univ.)
"Prison Break" (Univ.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $8,300. (Average, $6,300)

I.T.O.A. Suit Withdrawn

Suit brought by the I. T. O. A. on behalf of Newsreel Theatres, Inc., to compel Local 306, the projectionists' union, to arbitrate under the 1937 contract, has been withdrawn in the N. Y. Supreme Court. The dispute was settled about a month ago by a new contract between the union and Newsreel Theatres.

N. J. Allied to Meet

New Jersey legislative matters will be discussed at a luncheon meeting of Allied of New Jersey at the Lincoln at 12:30 o'clock next Tuesday.

'Paris Honeymoon' Leads in Seattle, Grossing $7,600

SEATTLE, Feb. 8.—"Paris Honeymoon" and "Tarnished Angel" at the Paramount was the leader here with $7,600. "Idiot's Delight" grossed a good $7,900 at the Fifth Avenue, and "Dark Rapture," dualled with "Little Orphan Annie" at the Palomar, with a stage show, took $5,800. Weather was generally cold and rainy.

Estimated takings for the week ending Feb. 3:

"Trade Winds" (U. A.)
"Say It in French" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week, from Fifth Avenue. Gross: $3,100. (Average, $4,000)
"Idiot's Delight" (M-G-M)
"While New York Sleeps" (20th-Fox)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,900. (Average, $7,000)
"The Strange Case of Dr. Meade" (Col.)
"The Little Adventuress" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $3,150. (Average, $5,000)
"Going Places" (F. N.)
"King of Alcatraz" (Para.)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,000. (Average, $4,000)
"Thanks for Everything" (20th-Fox)
"The Girl Downstairs" (M-G-M)
ORPHEUM—(2,450) (30c40c) 7 days. Gross: $5,900. (Average, $6,000)
"Dark Rapture" (Univ.)
"Little Orphan Annie" (Para.)
PALOMAR—(1,500) (15c-25c-30c-40c) 7 days. Vaudeville headed by Keene Twins, Vic & LaMarr. Gross: $5,800. (Average, $5,000)
"Paris Honeymoon" (Para.)
"Tarnished Angel" (RKO)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,600. (Average, $6,000)

'Idiot's Delight' At $12,000 Sets Fast Detroit Pace

DETROIT, Feb. 8.—Heavy snow cut box-office takes here, but "Jessie James" at the Fox, in its second week, was still doing well, with $20,000 plus a stage show. The United Artists did nicely, taking $12,000 with "Idiot's Delight." The Michigan took $10,000 with a dual bill of "The Cowboy and the Lady" and "Ambush." At the Palms-State, "Stand Up and Fight" and "Federal Man Hunt" drew $16,500.

Estimated takings for the week ending Feb. 2:

"Pacific Liner" (RKO)
"Annabel Takes a Tour" (RKO)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $3,600. (Average, $5,000)
"Jessie James" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days, 2nd week. Stage: Walter Dare Wahl, Tip, Tap & Toe, C. Ray Smith, Elena Romay. Gross: $20,000. (Average, $20,000)
"The Cowboy and the Lady" (U. A.)
"Ambush" (Para.)
MICHIGAN—(4,000) (20c-65c) 7 days. Gross: $10,000. (Average, $10,000)
"Stand Up and Fight" (M-G-M)
"Federal Man Hunt" (Rep.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $6,500. (Average, $5,000)
"Idiot's Delight" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $12,000. (Average, $10,000)

Norma Shearer on Air

Norma Shearer, who appears infrequently on the air, has been obtained by J. Walter Thompson for an appearance on a forthcoming Lux Radio Theatre dramatization. Story and a definite date for her appearance remain to be decided.

Edington Plans 4 Annually for "U"

Harry Edington plans to produce four pictures annually for the next 10 years for Universal release, he stated yesterday.

He has organized Famous Pictures as his producing company and all of its activities will be centered on the Universal lot. "Atlantic Cable" will be the first production to go into work. A script is now being prepared by Dennison Clift in London and production is scheduled to start about May 1. Two original stories, "Paris Streets," a romance of the Latin Quarter, and a South Sea Island drama, will follow.

Edington will be in New York for another week to look at current Broadway plays and to interview talent. He said that he had given "no thought" yet to casting any of his productions, the first of which will be for release next fall.

Studios Give Denial To Writers' Charges

Los Angeles, Feb. 8.—Major studios have entered denials to N.L.R.B. charges that they violated the Wagner act in refusing to bargain collectively with the Screen Writers Guild.

They ask for a bill of particulars and that charges of coercion and intimidation of SWG members be stricken out. The answers were filed with Bernard Alpert, N.L.R.B. special attorney, who will start hearings next Monday.

The defendants question the constitutionality of the provision on the authority of the N.L.R.B.

'Stagecoach' to Have 4 Special Openings

Special programs will be arranged for the Atlanta, Providence, Dayton and Cleveland openings of Walter Wanger's "Stagecoach" as a result of arrangements completed yesterday between Harry Gold, United Artists eastern sales manager, and Joe Vogel of Loew's.

Loew's theatres in the four cities will close on the afternoon of March 2 and reopen that evening for special premieres of the picture. Similar arrangement will be followed in Buffalo at the Great Lakes, March 3, under arrangements completed with Vincent McFaul. World premiere of the picture will be at the Lincoln, Miami, tomorrow night.

Hollywood Preview

"The Three Musketeers"

(20th Century-Fox)

Hollywood, Feb. 8.—"The Three Musketeers," by Alexander Dumas, has been made into a motion picture several times, but never like this. Taking the original characters, and adding some of its own, 20th Century-Fox placed the three Ritz Brothers in the picture, along with Don Ameche, Binnie Barnes, Lionel Atwill, Gloria Stuart, Pauline Moore, Joseph Schildkraut, John Carradine and others and present "a musical comedy version." The result is a hilarious conglomeration of antics, based mostly on the Ritzes, which had the preview audience completely unnerved.

Don Ameche as D'Artagnan and the Ritzes as three lackeys who steal the uniforms of the three musketeers contribute performances entirely in keeping with the mood of the piece. There is suspense, and action aplenty, however, and the burlesque of the Dumas classic is an excellent peg on which to hang an exploitation campaign.

The screenplay was written by M. M. Musselman, William A. Drake and Sam Hellman, with Sid Kuller and Ray Golden contributing special material. Allan Dwan directed, under associate producer Raymond Griffith.

Getting the real musketeers drunk, the Ritzes steal their clothes and aid Ameche in his adventures of saving the Queen of France from embarrassment at the hands of Cardinal Richelieu. The plot is carried out in musical comedy fashion, with heavy accent on the burlesque.

Running time, 72 minutes. "G."* Vance King

**"G" denotes general classification.*

Brandt Calls Meet To Talk Legislation

Industry representatives have been called to a meeting by Harry Brandt, I.T.O.A. president, to discuss the legislative situation in New York State.

The meeting was to have been held yesterday in Brandt's office in the Globe Theatre Building, but was deferred, probably until next week, because of the illness of J. H. Walters, RKO attorney. It is understood an attempt will be made to consolidate forces to combat adverse legislation.

Those invited are: Bernard S. Barr, attorney and I.T.O.A. member; Harry G. Kosch, New York Allied counsel; Mevin Albert of counsel to the I.T.O.A.; Clark Brown, Paramount attorney; Al Burns, Century circuit; Louis Frisch, Randforce; Leopold Friedman, Loew's general attorney; Willard Patterson, Warners; C. C. Pettijohn, general counsel of the Hays office; A. Gordon Reid, Fabian circuit; George Skouras and Louis Weber, attorney for Skouras theatres; Monroe Stein, Cocalis circuit, Norman Steinberg, 20th Cent.-Fox attorney.

20th-Fox Manager Heard in B&K Suit

Chicago, Feb. 8.—Plaintiffs in the anti-trust suit against B. & K. and the distributors here today took depositions from Clyde W. Eckhart, 20th Century-Fox branch manager, before Charles McDonald, master in chancery.

Examination was routine and concerned the 20th Century-Fox deals and the way clearance schedules were set up. Due to the illness of Joseph Rosenberg, counsel for the plaintiff independents, postponement will be sought Friday when a hearing is scheduled by Judge Wilkerson. Taking of depositions will continue after the hearing.

Ampa Luncheon Today

Paul Lazarus, Jr., will preside at the Ampa luncheon today in the absence of Ralph Rolan, president, who is in New Orleans. Billy Rose, Jane Cowl, Molly Picon, Russell Patterson and Jean Rodney will be the guests.

Declare Roxy Dividend

Board of directors of Roxy Theatre, Inc., has declared a quarterly dividend of 37½ cents per share on the outstanding preferred stock, payable March 1, 1939, to stockholders of record Feb. 15.

Form Theatre Company

Dover, Del., Feb. 8.—First National Theatres Corp. has been formed here to engage in the business of theatrical proprietors. The company listed capital of 1,000 shares of no par value.

Rhoden's Father Dies

Kansas City, Feb. 8.—Funeral services for C. A. Rhoden, father of Elmer C. Rhoden, president of Fox Midwest Theatres, Inc., were held yesterday in Omaha. He was 79.

Studios Now Have 38 Films Shooting

Hollywood, Feb. 8.—Thirty-eight pictures were before the cameras this week, as 11 started and nine finished. Twenty-three are in preparation, and 69 are being edited.

Started were: "Prairie Night," Columbia; "Trigger Smith," Monogram; "Some Like It Hot," Paramount; "What's a Fixer For?" RKO; "Stanley and Livingstone," "Charlie Chan in Reno," 20th Century-Fox; "Risky Business," "Murder in the Surgery," Universal; "Confessions of a Nazi Spy," "Each Dawn I Die," "Nancy Drew, Trouble Shooter," Warners.

In addition to these, shooting are: "Plane No. 4," Columbia; "Wuthering Heights," Goldwyn; "The Wizard of Oz," "Sergeant Madden," "Lucky Night," "Tarzan in Exile," "The Hardys Ride High," M-G-M; "Union Pacific," "Man About Town," "Invitation to Happiness," Beau Geste," "The Gracie Allen Murder Case," Paramount; "Man of Conquest," "Mexicali Rose," Republic; "Captain Fury," Roach; "Gone with the Wind," Selznick International; "Hound of the Baskervilles," "Alexander Graham Bell," "Rose of Washington Square," "Susannah of the Mounties," "News is Made at Night," 20th Century-Fox; "Three Smart Girls Grow Up," "Spirit of Culver," "East Side of Heaven," Universal; "Juarez," "The Roaring Road" and "Hell's Kitchen," Warners.

Finished were: "The Lady and the Mob," "Outside These Walls," and "The First Ranger," Columbia; "The Mystery of Mr. Wong," Monogram; "Picardy Max," "They Made Her a Spy," RKO; "Rough Rider Patrol," Republic; "You Can't Cheat an Honest Man," Universal; "Hero for a Day," Warners.

Columbia and M-G-M each is shooting one short. Four were finished. Three are being prepared, and 14 are being edited.

Electrical Research Reduction Permitted

Dover, Del., Feb. 8.—Certificate of reduction of capital from $5,000,000 to $1,000,000 of Electrical Research Products, Inc., has been issued by the Secretary of State at the request of T. Kennedy Stevenson, president. The reduction returns $4,000,000 from capital to surplus and restores the capital set up which existed prior to February, 1929.

Report Free State Plans Film Subsidy

London, Feb. 8. — Irish Free State Government is reported considering a film quota or state subsidy on production. The Department of Industry and Commerce and an Irish exhibitor group has met to compile a memorandum to aid the Government's study of the situation.

The Minister of Industry and Commerce is said to be sympathetic toward the formation of an Irish production industry.



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EASTMAN *Plus-X* ... *Super-XX* ... *Background-X*

Mutual's Net Profit in '38 Was $24,710

WASHINGTON, Feb. 8. — Mutual Broadcasting System last year had a gross revenue of $2,272,661 and, at the end of the year, a balance above expenditures of $24,710, the F.C.C. Monopoly Committee was told today by Miles E. Lamphier, auditor.

Completing the presentation of statistical evidence, Lamphier said that the affiliated stations taking Mutual commercial programs get back an average of 45 per cent of their card rates, which figures at 60 per cent before agency commissions.

Mutual salesmen get most of the money paid by affiliated stations, receiving two of the three and one-half per cent which the stations contribute, in addition to their salaries.

The committee tomorrow will delve into the operating practices of the network, to be explained by Fred Weber, general manager.

Chicago Hotels to Pay Broadcast Fee

CHICAGO, Feb. 8.—After a bittter battle of more than a year, A. S. Kirkeby, managing director of the Drake and Blackstone Hotels, has decided to pay the $100 weekly charge demanded by the broadcasting stations and will permit bands in his hotels to broadcast.

This move is the first in some months on the part of a downtown hotel to agree to pay the $100 weekly charge made for broadcasting. Other hotels are expected to follow suit shortly. The outlet for the Drake and the Blackstone will be over WBBM-CBS.

NBC to Hold Coast Television to L. A.

SAN FRANCISCO, Feb. 8.—NBC will confine its television experiments on the Pacific Coast to the Los Angeles area, and is not now contemplating television tests here, according to Don Gilman, NBC's vice-president in charge of the Pacific Coast, in addressing more than 500 radio dealers and distributors here.

Gilman declared that the high cost of installing television broadcast equipment, plus the cost of operation and production, would restrict television to densely populated centers for some years to come.

Offer Sample Program

Sample programs of "People, Just People," new series featuring Zoe Beckley in chats about famous personalities, will be sent to approximately 400 stations within the next few weeks. A preview of the new series, transcribed by Radio Productions, Inc., was given in New York yesterday. Production is by World Broadcasting Studios.

Stirton in NBC Post

James Stirton, of the NBC offices here, has been appointed head of the Artists Bureau of the Central Division of NBC in Chicago, starting Feb. 15.

WMCA and Warner In Patriotic Series

WMCA has completed a deal with Warner's Hollywood station, KFWB, for interchange of programs of a design that strike at the infiltration of foreign doctrines in America. At WMCA it was frankly admitted that the interchange of programs has propaganda as its only purpose—propaganda of Americanism.

Over KFWB, Warners has been presenting a series titled "America Marches On," with screen stars playing the principal parts. The series will be aired in New York by special recordings, over WMCA and the Inter-City network each Sunday at 7:30 P. M., beginning this week. In addition, WMCA will short-wave the series to Europe and South America over its experimental international transmitter W2XQO.

In exchange, WMCA will give W. B. recordings of programs the station produces here, including a new series titled "Persecution Must End."

FCC Calendar

WASHINGTON, Feb. 8. — Federal Communications Commission has ordered hearings held on the applications of KOH, Reno, Nev., for change of frequency from 1,380 to 630 kilocycles and increase of power from 500 to 1,000 watts; WREN, Lawrence, Kan. for authority to move to Kansas City, Mo., with transmitter southwest of Kansas City, Kan.; WJNO, West Palm Beach, Fla., for increase of night power from 100 to 250 watts; WCSC, Charleston, S. C., for increase of night power from 500 to 1,000 watts, and KROY, Sacramento, for extension of time from day to unlimited.

The Federal Communications Commission also has assigned tentative dates for hearings on broadcasting matters, as follows:

Feb. 20: Applications of Albemarle Broadcasting Co. for a 1,370-kilocycle station at Elizabeth City, N. C., with 100 watts power night, 250 watts day, and WLAC, Nashville, for increase of power from 5,000 to 50,000 watts.

March 14: Applications of Copper County Broadcasting Co., for a 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day; Enrique Abarca Sanfeliz for a 580-kilocycle station at San Juan, P. R., with 1,000 watts night, 5,000 watts day; United Theatres, Inc., for a 580-kilocycle, 1,000-watt station at San Juan, P. R., and WHDF, Calumet, Mich., for extension of time from specified hours to unlimited.

March 24: Application of Birney Imes for a 1,370-kilocycle station at Columbus, Miss., with 100 watts night, 250 watts day.

March 27: Applications of Spartanburg Advertising Co., for a 1,370-kilocycle station at Spartanburg, S. C., with 100 watts night, 250 watts day; and WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

March 28: Applications of Lawrence J. Heller for a 1,310-kilocycle station at Washington, with 100 watts night, 250 watts day, and WFBG, Altoona, Pa., for extension of time from sharing to unlimited.

Banner LINES

DARRYL ZANUCK attributed the withdrawal of Tyrone Power from the air to complaints of exhibitors regarding the excessive appearance of motion picture players in radio. Some quarters place the blame on the sponsor's insistence that a "middle commercial" be inserted in the dramatizations. We think our guess as good as any advanced thus far. Tyrone, we feel, wanted to get out of his radio contract because (1) it was profitless to him, what with paying his studio $2,000 of the $4,000 he received weekly, plus deductions he paid two agents; and (2), his picture work—witness "In Old Chicago," "Alexander's Ragtime Band," "Suez," "Marie Antoinette" and "Jesse James"—left him so little leisure time that his radio work, enacted on Sundays, became drudgery impossible to tolerate even for twice the money he was getting.

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Network news and special events staffs worked the all-night shift Monday waiting for the flash that an armistice had been declared in Spain. The same vigil will be maintained while the situation continues as it is.

▼

To WOR's studio the other night came a bee keeper and 2,340 of his bees for an appearance on the "Famous First Facts" show. The bees broke loose a few minutes after the lucky studio audience had departed and there was the devil to pay. Not as much, however, as the time some years ago when Al Pearce presented a goat on his program. The goat, unmannerly creature, panicked the entire studio audience, which almost resulted in having the program cut off the air. And not to be overlooked is Fred Allen's recent unhappy experience with a talking parrot. At rehearsals the bird chatted wildly with Fred, but come broadcast time it would freeze up and not emit even a squawk. Fred, being obstinate, scheduled the bird on his series for eight consecutive weeks, with results always the same—the bird would talk his fool head off at rehearsals and maintain rigid silence on the air. The sponsor finally put an end to the booking of the bird.

▼

Now that the A.F.R.A. pact has been signed, lengthy radio rehearsals will come to an end. That's the prediction of an agency head who shall be nameless. Radio rehearsals up to this point have been leisurely, long-drawn affairs, but with rehearsal payment set at $6 an hour, a speedup will be instituted.

—JACK BANNER

Howe to Air Lytell Program Nationally

Lewis Howe Co., which for a number of months has been sponsoring Bert Lytell in a series heard locally over WJZ only, has contracted to air the program nationally over a hookup of 42 stations of the Blue network. The effective date for the network start is Feb. 17. H. W. Kastor is the agency.

To Revoke WLW's Permit on March 1

WASHINGTON, Feb. 8.—The F.C.C. has fixed March 1 as the date for the revocation of WLW's 500,000-watt experimental permit.

In issuing its formal opinion and order, the commission held the station needs no permit to carry out its program of experimentation, since much of that program does not require such high power and such phases as do can be handled by its experimental station, W6XO, which is authorized to operate midnight to 6 A. M. with 100 to 500 kilowatt power.

WLW's super-power permit was originally issued April 17, 1934, and had been continued at intervals since. The present case was precipitated Jan. 20, last, when the commission ordered hearings on application for renewal. Pending is the station's application for amendment of regulations limiting maximum power to 50 kilowatts in order to obtain a regular license for 500-kilowatt operation.

CBS Net for 1938 Put at $3,541,700

Preliminary consolidated income statement of CBS for the year 1938 shows a net profit for the period of $3,541,700, compared to the net profit of $4,297,600 for the 12 months of 1937.

Network's gross income from time sales for 1938 amounted to $27,345,397, contributed by 83 firms sponsoring programs over its facilities and by a number of political campaign committees.

The board of directors of the network yesterday declared a quarterly cash dividend of 25 cents per share on the present Class A and Class B stock of $2.50 par value. The dividend will be paid tomorrow to stockholders of record as of Feb. 24, 1939.

Paley Sale of CBS Stock Is Reported

WASHINGTON, Feb. 8.—Disposition in December of 5,000 shares of Columbia Broadcasting System Class B stock by Samuel Paley, Philadelphia, director, and similar disposition of 200 shares of the same stock by William S. Paley, board chairman of CBS, was reported today by the Securities and Exchange Commission.

At the close of the year, the CBS report to the commission showed, Samuel Paley held 12,000 shares of Class A and 23,000 shares of Class B stock and William S. Paley held 20,530 shares of Class A and 340,526 shares of Class B direct and 87,980 shares of Class A through a holding company.

3 New Programs Signed for WABC

Three new programs have been sold for sponsorship on WABC. Bosco Co. will sponsor a news series at 9:15 A. M. Mondays and Saturdays; Packers Tar Soap Co., starting Feb. 28, will sponsor Mel Allen in a sports series Tuesdays, Thursdays and Saturdays at 6:15 P. M., and Community Optician Co. will sponsor "Montana Slim" in a Monday, Wednesday and Friday stint at 9:15 A. M.

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VOL. 45. NO. 29 NEW YORK, FRIDAY, FEBRUARY 10, 1939 TEN CENTS

Paris Houses Stop All Ads In Tax Fight

Retaliate as Government Refuses Reduction

By PIERRE AUTRE

PARIS, Feb. 9.—Paris exhibitors, since yesterday, have stopped all advertising in newspapers and on posters, with neon and other luminous types of outdoor displays as a retaliatory measure against the new Government taxes.

The action followed the failure of an investigation by financial experts on the tax situation as affecting Paris film houses to bring about a satisfactory result. The Government expressed itself unwilling to reduce the present tax schedule, over which the Paris exhibitors recently closed all theatres for several days.

New Municipal Taxes

New municipal taxes have been collected in Paris for the past week, and are being made retroactive to Jan. 1. The exhibitors decided to halt all advertising and to boycott Government officials and Cabinet Ministers in the newsreels in an effort to get relief from the tax burden.

It is considered of little use for the exhibitors to close again since the Government has promised if necessary to reopen both the Gaumont and Pathe theatre circuits, which, being in bankruptcy, are under Government control. The Government also threatened to expel all foreign exhibitors and producers.

Bernstein Leaving on South America Cruise

David Bernstein, vice-president and treasurer of Loew's, leaves tomorrow on the *Nieuw Amsterdam* for a 46-day South American cruise. This is a combination pleasure and business trip, and he intends to confer with the company's distribution heads and theatre managers in several cities.

Among the cities where stops will be made are Havana, Cristobal, Callao, Valparaiso, Buenos Aires, Montevideo, and Nassau. The boat is due back late in March.

No Paper Monday

On Monday, a legal holiday in observance of Lincoln's Birthday, *Motion Picture Daily* will not publish.

Late Flashes

WB TO FILM COMMANDMENTS

HOLLYWOOD, Feb. 9.—Warners today announced intentions of making a series of short subjects based on the Ten Commandments. Gordon Hollingshead will start shooting the one-reelers in April. The initial subject will be "Thou Shall Have No Other Gods Before Me."

POSTPONE GUILD HEARING

HOLLYWOOD, Feb. 9.—Hearing of complaints against 10 producers, charged with failure to bargain collectively and coercion, brought by Screen Writers' Guild today was postponed from Feb. 13 to week of Feb. 20.

GN Production Plans Are Rushed as Two Producers Hold Out

HOLLYWOOD, Feb. 9.—Grand National rushed production plans today as two producers were holding out three completed pictures from delivery and the distributor company has only three completed pictures being made ready for release at present. Holding out are Phil Goldstone, on two "Renfrew of the Royal Mounted" pictures and Dr. Eugene Frenke, who

(*Continued on page 4*)

Burhorn, Limerick Are Quigley Award Winners for 1938

John Burhorn, manager of the Gayety Theatre, South Chicago, a unit of the Indiana-Illinois circuit, was awarded the Silver Award Plaque in the 1938 competition for the Quigley Grand Awards, given annually for exploitation excellence by the Managers' Round Table of *Motion Picture Herald*.

The 29 industry executives who acted as judges in the contest awarded the second prize, the Bronze Grand Award, to George Limerick, city manager of the Griffith Amusement Co., Enid, Okla.

Award Records

Burhorn, in the 1938 competitions, won the Class "E" Silver Plaque in the first, third and fourth quarters. In the second quarter he was awarded the Citation of Merit. Limerick's award record included the Silver Plaque in Class "D" for the first quarter, plus the Citation of Merit for the best entry regardless of classification in that quarter, while serving as manager of the Yale, Cleburne, Texas, also a Griffith unit. In his present post, Limerick won the First Mention in the third quarter and the Citation of Merit in the fourth.

This marks the second time in the Awards history that the Indiana-Illi-

(*Continued on page 4*)

Distributors Set Next Week For Pact Meet

Committee Will Confer With Abram Myers

Representatives of the distributors' trade practice committee and their counsel will meet with Abram F. Myers, Allied States general counsel, in New York next week to attempt to reconcile differences between the two groups.

The lawyers' drafting committee is to meet today to consider Myers' revisions of the distributors' proposals and his suggestions on arbitration principles, mechanics and procedure. Myers has made many suggestions, including changes in phraseology. The general committee is also studying Myers' recommended changes.

About 90% Agreed

The distributors and Allied are about 90 per cent agreed on the proposals. Only a few serious differences remain. Myers has not taken an arbitrary stand in his revisions and has suggested alternatives.

Next week's meeting with Myers is not expected to finalize an agreement, and negotiations will continue. However, Col. H. A. Cole, Allied president and chairman of Allied's negotiating committee, is to report to his group by March 1 and the distributors hope to make considerable progress toward an agreement within the next two weeks.

Robert Perkins, Warner counsel, on behalf of the committee, extended the invitation to Myers to submit his written revisions.

Expect KAO Net for 1938 to Be $900,000

Keith - Albee - Orpheum, principal RKO theatre subsidiary, is expected to show net profit of approximately $900,000 for the year 1938. Result compares with a profit of $1,300,887 for 1937. The annual report, not yet complete, will be ready about March 1.

There has been no resumption of the negotiations for acquisition by RKO of the M. J. Meehan preferred stock interest in K-A-O, which were discontinued about a year ago. Indications are, however, that discussions will be renewed shortly after confirmation of the RKO reorganization plan. Ideal setup in so far as new RKO corporate purposes are concerned would be to have the entire dividends from K-A-O applicable to parent company requirements.

Jane Cowl, Billy Rose Pay Tribute to "Film Genius"

"Film genius"—and especially the industry's exploitation branch—received a pat on the back from two persons in other divisions of show business at the Ampa luncheon at the Astor yesterday.

Jane Cowl, stage actress, said she wished the legitimate theatre were blessed "with some of your brains." Billy Rose—introduced as "the world's greatest showman"—declared that when it comes to showmanship the film industry can give Broadway cards and spades. Both said they had received Hollywood offers, "without too much pressure."

Introduced by Paul Lazarus, Jr., Ampa vice-president, Miss Cowl described the American theatre as the most vital in the world, "not excepting Soviet Russia." She thinks the drama should deal with social commentary, but admitted she is "politically minded."

" 'The Informer' is the greatest picture I have seen, and films like that approach what the theatre is trying to do," she said. "Such films offer competition to the stage. But the screen still has far to go to push the theatre out."

Rose described film press agents as "direct descendants of Barnum," more versatile, than the night club and legitimate exploiters.

"I don't want to go to Hollywood because I don't want to tip my mitt," he declared. "Most of the plays on Broadway are shoddy, produced by men who don't know their business. Hollywood has the greatest show minds anywhere."

Jean Rodney, production director of "Outward Bound," talked about the company's "command performance" before President Roosevelt in Washington recently. Molly Picon got a big hand with a couple of numbers. Martin Starr introduced Miss Cowl. Russell Patterson, illustrator, took a bow. The attendance was larger than usual.

Purely Personal

DAVE BERNSTEIN and LEO FRIEDMAN at a Loew table at Sardi's yesterday. Also MORT SPRING, DAVE BLUM, WILLIAM MELNIKER, OSCAR DOOB and ERNIE EMERLING.

•

HERBERT T. KALMUS, president of Technicolor, arrived last night on the *Queen Mary*. He will remain in New York two or three weeks and then go to the coast.

•

SYLVIA SIDNEY and DUDLEY MURPHY will be honor guests tomorrow at a luncheon given by the M. P. Committee of the Department of Secondary Education of the National Education Association at the Town Hall Club. The committee has prepared a study guide for use with "One Third of a Nation."

•

LEON J. BAMBERGER, RKO sales promotion manager, will speak at the convention luncheon of the Paper Makers Advertising Association luncheon Feb. 20 at the Waldorf-Astoria.

•

RODNEY TOUPS, manager of Loew's State, New Orleans, yesterday observed his 20th anniversary with the circuit. He started at the old Crescent in the Louisiana city.

•

JOSEPH M. SCHENCK has postponed his planned visit to New York indefinitely. JOE MOSKOWITZ, Schenck's eastern representative, arrives here from the coast this morning.

•

WALTER WARD and CHARLES POWERS, stage juveniles who made their film debuts in RKO's "Boy Slaves," attended the Broadway premiere of the picture at the Rialto.

•

NED E. DEPINET, RKO vice-president, is expected back in New York from the studio on Monday. GEORGE J. SCHAEFER may remain on the coast another week.

•

MAURICE SILVERSTONE, United Artists chief executive, will arrive in New York from the coast by train on Sunday. He has been away about five weeks.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, will return to New York from Boston today, where he has been on a brief business trip.

•

HARRY HAM, London manager for MYRON SELZNICK, sails today on the *Queen Mary*. LEE EPHRAIM, stage producer, also sails.

•

WILL H. HAYS is expected in New York from Hollywood on Monday. He has been away a little over a month.

•

FEDERIC STEPHANI, M-G-M producer, will arrive Sunday from the coast for a New York visit.

•

JAMES R. GRAINGER among those lunching at the Astor yesterday.

Insiders' Outlook

By SAM SHAIN

THE Internal Revenue Department is checking into the methods of buying and selling of the 1936 and 1937 heavyweight championship fight films.

▼ ▼

We understand that George Bernard Shaw has written to Gabriel Pascal that the bard's film career depends upon the producer.

Certainly that can be called bestowing the royal palm. Pascal himself is a person who wants to retain his "artistic freedom"—and he says:

"I could never make a good picture if I had a long term commitment. I could never tie myself down to Hollywood's factory system."

▼ ▼

Producers and distributors may claim they dislike the star rating of pictures, such as is used by the *N. Y. Daily News*.

However, after every opening, the telephone lines to Kate Cameron, chief critic of the *News*, and her associates, always buzz with calls from nervous publicists who are eager to know in advance of publication what rating their particular picture has been given.

Of the "six best" films in January, the *News* critics granted the four-star rating to five. The lone dissenter was "Trade Winds." This picture got three and a half stars. The five four-star films were "Gunga Din," "Jesse James," "The Great Man Votes," "Heart of Paris" and "The Green Hell."

▼ ▼

"Get off the earth!"

It is the fiendish cry of the dictators to 9,000,000 men, women and babes, of all creeds and races—the contribution of communism and Nazism to 20th Century civilization. These victims of bigotry and oppression are violently dispersed for crimes they did not commit, and they are left to wander over the world without anchorage of citizenship. Where can they go?

Sam Sax, of Warner Bros., has compiled a series of clips into a significant subject which treats with this problem, sympathetically and with dignity. It is a short which is in keeping with the U. S. spirit—with freedom and Americanism. Well edited and with fitting comment by Dwight Weist it is worthy of any screen. A song, "My New Homeland," by Irving Caesar and Leo Edwards, hymns the hope of a brighter day for the wanderers.

Single Bills Begin At Loew's Ziegfeld

Single bills policy made its bow at Loew's Ziegfeld yesterday with "Trade Winds." Gilbert Marbe, manager, said business was better than usual and patrons' comment favorable.

The current bill will be followed by "Dawn Patrol" on Tuesday for two days. This is a Warner film. Warner pictures will go into the Ziegfeld as second runs in the zone, following the RKO houses. Night price was reduced yesterday from 50 cents to 40 cents, with loge tariff remaining 55 cents.

N. H. Exhibitors to Meet on Bingo Bill

NEW HAVEN, Feb. 9.—Exhibitors will hold a general meeting at the Hotel Garde on Tuesday for the purpose of discussing the "charity" Bingo bill which is assigned for hearing in Hartford next Thursday. The meeting will be preceded by luncheon. Organizations are attempting to legalize Bingo for socalled charitable purposes. One such bill would restrict the amount of prizes for any given evening, while another would substitute merchandise for cash.

The Newsreel Parade

World-wide events, Spanish refugees arriving in France, a forest fire in Australia and graduation ceremonies in Buenos Aires are subjects of chief importance shown in the new issues of the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 44—Refugees in France. Cadets graduate in Argentina. Elks stranded by snow. Forest fire in Australia. Shoe styles. New York silver skates. Swimming exhibition. Patty Berg wins golf tournament. Diving show. Lew Lehr.

NEWS OF THE DAY, No. 242—Air pilots graduate. Air maneuvers. Impeachment hearing of Secretary Perkins. Spanish war victims flee to France. Italian royalty wedding. Spring hat styles. Open golf championship match. New York silver skates. Pick-a-back diving in Florida.

PARAMOUNT NEWS, No. 55—Tragedy in Spain. Kaiser celebrates 80th birthday. Monkeys cured of pneumonia. Sale of Valentine cards boom in London. Former boxers now work in restaurant. Russian Prince in Florida. Lily Pons discusses climate in Florida. Fight story.

RKO PATHE NEWS, No. 58—Fire in Australia. Airplane sale controversy. Argentine military cadets graduate. Spanish refugees in France. Secretary Perkins denies charges. Silver skates tourney.

UNIVERSAL NEWSREEL, No. 744—Spanish refugees. Senator Nye speaks. Kelly Field graduation. Army formation flight. Military college graduates in Buenos Aires. Pageant in Florida. Silver Skates derby in New York. Swimming competition. Dog racing in Miami.

Col. Dedicates Drive To Its Foreign Staff

Columbia has designated its annual sales campaign as the "International Personal Testimonial Campaign" and dedicated it to its foreign personnel. The campaign will open Feb. 27 and continues through the week ending May 27.

Three separate divisional units have been set up. They are European Division, comprising England and the continent, with Joseph Friedman at its head; Far Eastern Division, comprising Australasia and the Orient, with Cecil Mason and J. B. Albeck at its head, and the Latin American Division, comprising all Central and South America, with Charles Roberts at its head.

The home office committee with J. A. McConville, foreign manager, as chairman, includes Arnold M. Picker, Jack Segal, Joseph Levy, Herman Golden, A. Suarez del Rivero and Clarence J. Schneider, who will coordinate the activities of the various branches and divisions in the campaign.

Grainger Off Today For Atlanta Meeting

J. R. Grainger, president of Republic Pictures, leaves at noon today for Atlanta, to attend a sales meeting there scheduled for over the weekend. Grainger recently attended similar meetings at Pittsburgh, Toronto and Detroit. He is expected to return to New York Wednesday.

NY Allied Grievance Board Meetings Set

New York Allied's regional grievance board in Albany will meet the first Monday of each month. The next meeting is March 6. Mitchel Conery of Ravena presides at the sessions.

E. Thornton Kelly, state executive secretary, will attend a meeting of the Buffalo unit on Monday.

Mrs. Scott Rites Today

Mrs. Deane Scott, widow of Harry Scott, died Wednesday. The funeral will be held privately from the Walter B. Cooke Funeral Parlors today.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

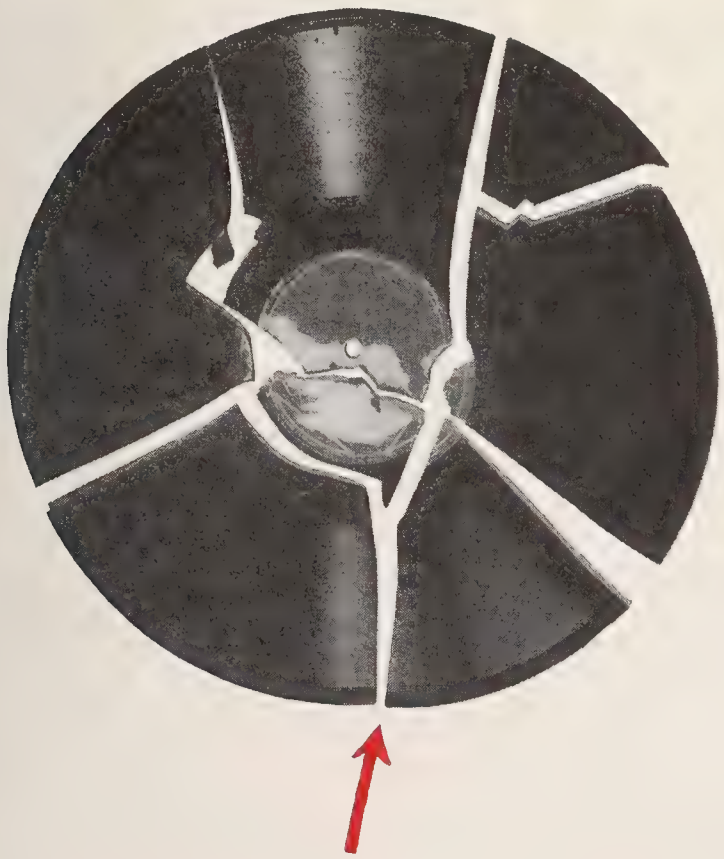
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.





ALL PRAISE TO:
NORMA SHEARER as the shady lady from Omaha, **CLARK GABLE** as the devil-may-care song and dance man in **CLARENCE BROWN's** production
with Edward ARNOLD • Chas. COBURN • Joseph SCHILDKRAUT
Screen Play by Robert E. Sherwood • Produced by Hunt Stromberg
Based on the Theatre Guild Stage Hit and Pulitzer Prize Play.

"IDIOT'S DELIGHT"
did it at the
Sheridan, Miami.
Broke every mark in
the history of the house!

AND at the 5000-
seat Capitol, N. Y.,
it's the best since
"Maytime," 2 years ago.
(*looks like four big weeks here*)

AND a bonanza every-
where, holding over,
delighting the fans!
(*another friendly hit from M-G-M,*
the friendly company)

AND TURN THE PAGE FOR MORE GOOD NEWS!

Bondy to Receive Nominees for New RKO Board Today

RKO creditors' nominees for the board of directors of the reorganized company will be presented for Federal court approval at the hearing before Federal Judge William Bondy this afternoon.

While some last-minute changes in the list of nominees are possible, logical selections for the new company's board, as reported earlier in MOTION PICTURE DAILY, include George J. Schaefer and Ned E. Depinet, president and vice-president, respectively; James G. Harbord and Lunsford P. Yandell of RCA; W. G. Van Schmus and Dr. Beardsley Ruml of Rockefeller Center; Floyd B. Odlum, Peter J. Rathvon and Walter Peterson of Atlas Corp.; Fred Ehrman of Lehman Bros., and L. Lawrence Green, attorney, representing unsecured creditors.

The possible last-minute changes may supplant Odlum or Peterson with S. Boyd Hatch of Atlas Corp., inasmuch as those two are represented as not having given definite assurances that they will serve. Other possible changes are the addition to the board of Charles L. Stillman, treasurer of Time, Inc., and the replacement of Dr. Ruml by Hugh Robertson. Aside from these three possibilities, however, no changes in the proposed membership of the new board are anticipated in reorganization circles.

Confirmation of the plan of reorganization is not expected to be given by Judge Bondy at today's hearing, although the court may indicate orally that the plan will be confined within a reasonable length of time. Likewise, Atlas Corp. will not submit the proposed terms of its agreement to underwrite $1,500,000 of new RKO common to the court until later, presumably not until after the plan has been confirmed.

Women Fliers See 'Tail Spin' Preview

Ninety Niners Club, an organization of women fliers, were guests of honor at a dinner and preview screening of "Tail Spin" at the Waldorf-Astoria last night. Fliers and players who flew across the country delivering prints were also present. Several of the aviators spoke with Charles McCarthy, 20th Century-Fox advertising and publicity director, acting as toastmaster.

Approximately 300 army and navy officials, aviators and newspapermen attended. The dinner climaxed a series of receptions across the country as the fliers delivered prints of "Tail Spin" en route.

'Wings of Navy' Gets $48,000 at Strand

"Wings of the Navy" finished its first week at the Strand with an estimated $48,000 and will continue there. At the Roxy, "Jesse James" grossed an estimated $37,500 in its fourth week. The four-week run attracted approximately 520,000 patrons. "Tail Spin" opens today.

"One Third of a Nation" will have its premiere at the Rivoli tonight. The ninth week of "Pygmalion" at the Astor drew an estimated $12,500.

Cremieu-Javal Here On Acoustic Action

Ian Cremieu-Javal, a director of British Acoustic Films, Ltd., arrived last night on the *Queen Mary* to testify in the company's patent infringement actions against RCA Mfg. Co. and Erpi. Trial is scheduled to start in U. S. District Court in Wilmington on Tuesday.

Also here as a witness for the plaintiff is Arnold Poulsen of Copenhagen, one of the inventors who assigned sound equipment patents to British Acoustic.

The two cases will be consolidated. Additional testimony against RCA is possible. Trial will be before Judge Nields.

The defendants deny infringement and that the plaintiff's patents are valid. British Acoustics is a wholly owned subsidiary of Gaumont British and has Maurice Ostrer as chairman.

The actions are based on devices for feeding film through sound heads at a constant speed. The British company asks that the American companies be enjoined from manufacturing and distributing equipment using the mechanism, which allegedly infringes British Acoustic's patents. An accounting of profits and damages is asked.

W. B. Plans Cut in 3 Philadelphia Houses

PHILADELPHIA, Feb. 9.—Three first run Warner houses in the downtown section here will cut their 68 cents tops to 57 cents on Feb. 24. Houses affected are the Aldine, Stanley and Boyd. The Fox will stay at the 68-cent level but will use stage shows featuring name bands and vaudeville. The Earle will drop its stage show and go into the second run class.

At the same time, the Palace, on Market St., will return to first runs. Warner de luxe neighborhood houses have taken some of the downtown trade away and declining grosses at the downtown theatres caused the cut, it was reported.

Metro Signs 3 Writers

HOLLYWOOD, Feb. 9.—M-G-M has awarded new writing contracts to Jacques Deval, Ernest Vajda and Joe Laurie, Jr. Deval will do an adaptation of "Balalaika," and Vajda will adopt the Broadway play, "Excursion."

Film Company Formed

ALBANY, Feb. 9.—Queens Plaza Amusements, Inc., Queens, has been incorporated with 100 shares of no par value stock. Directors are Jennie Suozzo and Dominick Suozzo, and Frank Moscato.

Anderson CEA Guest

LONDON, Feb. 9.—Sir John Anderson will be the guest of honor at the annual dinner of the Cinematograph Exhibitors' Association, which will be held some time next month.

Ostrer May Televise Bout

LONDON, Feb. 9.—It has been officially confirmed that the Ostrer Brothers have obtained the approval of the British Broadcasting Corp. to televise a prize fight from Harringay on Feb. 23. A large screen will be used.

National Film Board Proposed in Canada

MONTREAL, Feb. 9.—A national film board to review Government film activities is proposed in the report of John Grierson, British official brought here to study ways of advertising Canada in motion pictures.

The board would consist of nine members with a salaried commissioner at its head. It would be advisory and its first function would be to survey the film situation and outline plans for films for use both home and abroad. It is understood that films will be made to illustrate development of Canadian activities. Government film distribution would be centralized.

Burhorn, Limerick Win Quigley Awards

(*Continued from page* 1)

nois circuit and Griffith Amusement have been represented in the Grand Awards.

The 29 judges of the contest entries included: Al Adams, Republic; Maurice A. Bergman, Columbia; Harry Buckley, U. A.; Oscar A. Doob, Loew's; Lynn Farnol, U. A.; Ed Fay, Fay Theatres; Harry Goldberg, Warner Theatres; Monroe Greenthal, U. A.; John LeRoy Johnston, Wanger; Morris Kinzler; Irving Lesser, Roxy; Louis Lifton, Monogram; Charles E. McCarthy, 20th Century-Fox; Frank J. A. McCarthy, Universal; S. Barret McCormick, RKO; Harry Mandel, RKO; Alex Manta, Indiana-Illinois Theatres; Arthur L. Mayer, Rialto; Dan Michalove, National Theatres; Alec Moss, Paramount; Leon D. Netter, Paramount; John J. O'Connor, RKO; Louis Pollock, Universal; Si Seadler, M-G-M; Milton Silver, National Screen Service; George C. Walsh, Netco Theatres; George W. Weeks, Monogram; Gordon S. White, Grand National; Herman Wobber, 20th Century-Fox.

Stirn Asks Hearing On RKO Objections

Ernest W. Stirn, holder of 1,234 shares of Class A common stock of RKO, yesterday filed in the U. S. District Court a notice to the Irving Trust Co. of his objections to the filing of any claims with it by secured creditors and stockholders of RKO after Sept. 28, 1934, and petitioned the court for a summary hearing of his objections.

Tully Must File Data

Federal Judge Murray Hulbert yesterday directed Jim Tully to file a detailed statement of his complaint against Paramount Pictures, Inc., Odessco Productions, Inc., and William K. Howard. Tully seeks $50,000, charging wrongful use of his name to promote the motion picture, "Home Town."

Graham May Head Lab

LONDON, Feb. 9.—John Cecil Graham, former managing director of Paramount in England, is reported to have been appointed chairman of the Denham Laboratories.

Zanuck Lauded by Myers for Taking Power from Radio

Darryl F. Zanuck's act in removing Tyrone Power, 20th Century-Fox star, from the air is "a great forward step," the producer has been informed by Abram F. Myers, Allied States chairman of the board.

A telegram Myers sent to the producer reads: "May we in behalf of independent theatre owners express our sincere appreciation of your courageous leadership, fairness and consideration in seeking to prevent screen stars from appearing on the radio.

"This association and its regional affiliates have long opposed the practice as grossly unfair to the exhibitors who pay large film rentals and then must play the pictures in competition with free shows by the same stars on the air.

"To illustrate how serious the practice is, gross receipts on Sunday sometimes equal from 60 to 80 per cent of the gross for the week and when an exhibitor paying 40 per cent for a picture on that day plays in opposition to the same star on the radio he can scarcely make his expenses. You have taken a great forward step and deserve and have our hearty thanks."

GN Production Plans Rushed; 2 Hold Out

(*Continued from page* 1)

recently finished "Exile Express." Goldstone is refusing to turn over the negative and prints because of differences over contracts. Frenke since previewing the Sten picture last week has refused to turn prints and negatives over to G. N.

Jack Skirball, production head of G. N., is planning to put into production three pictures before March 15, he said. The first two are "So This Is Prosperity" and "Just Like Robin Hood." The third is untitled. Skirball declared Arcadia Pictures, headed by Norman Haskell, would make "Everything Happens to Ann," "Miracle on Main Street" and an untitled Baer western by March 15.

Goldstone's difficulty with G. N. may be ironed out amicably this week through conference of attorneys with Sam Wolf representing the producer. However, on the Frenke deal it is reported the producer is seeking a new outlet for his picture.

Injunction Granted

Failure to fill in the blanks after the words, "Clearance-Run," on the exhibition agreement and reliance instead on the words "as available," has resulted in a legal snarl in the Queens County Supreme Court. Yesterday, Supreme Court Justice Daily granted an injunction to Jupo Amusements, Inc., operator of the Polk, Jackson Heights, L. I., against 20th Century-Fox to restrain the latter from continuing a week's clearance in favor of the Colony, operated by Evadne, Inc. (Harry Brandt). Question of a permanent injunction will be decided after trial which was set for March 6.



HIP!



HIP!



HOORAY!



"HONOLULU!"

A new movement is sweeping the country and it's oh so nice!

It's a movement in the right direction—to the box-office!

First engagements of "Honolulu" are great. Everywhere!

"Honolulu" talks a showman's language, down-to-earth entertainment, lively with music, gags and gals. (*It even beat a 5-year record in Honolulu itself!*)

M-G-M presents "HONOLULU" starring ELEANOR POWELL, ROBERT YOUNG, GEORGE BURNS & GRACIE ALLEN. Original story and screen play by Herbert Fields and Frank Partos. Music and lyrics by Harry Warren & Gus Kahn. Directed by Edward Buzzell. Produced by Jack Cummings.



QUESTION: "Why are the waves wild on the beach at Waikiki?"

ANSWER: "Honolulu."

(another friendly hit from M-G-M, the friendly company)

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Jan. 6	Homicide Bureau *Bruce Cabot*	Stand Up and Fight (G) (D) *Robert Taylor* *Wallace Beery* *Florence Rice*		Disbarred (G) (D) *Gail Patrick* *Otto Kruger* (3818)	Fighting Thoroughbreds (G) (D) *Ralph Byrd* *Mary Carlisle* (821)	Pacific Liner *McLaglen* *Chester Morris* *Wendy Barrie* (D)	While New York Sleeps (G) (D) *Michael Whalen* (922)		Last Warning *Foster* *Jenks* (G) (D)	Devil's Island (G) (D) *Karloff*	Water Rustlers (O) *Dorothy Page* (Jan. 6)
Jan. 13	The Thundering West (O) *Starrett* *Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe* *Cecilia Parker*	Convict's Code *Anne Nagel* *Robert Kent*	Zaza (A) (D) *Colbert* *Marshall* *Bert Lahr* (3819)	Mysterious Miss X (G) (C) *Michael Whalen* *Mary Hart* (809)	The Great Man Votes (G) (C) *John Barrymore* *Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young* *Constance Bennett*	Son of Frankenstein (G) (D) *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield* *"Dead End" Kids* *Claude Rains*	Trigger Pals (G) (O) *Art Jarrett* *Leo Powell* *Al St. John* (Jan. 13)
Jan. 20	Frontiers of '49 (O) *Bill Elliott* *DeAlcaniz*			Ambush (G) (D) *Swarthout* *Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox* *Helen Mack*	Off the Record *Pat O'Brien* *Joan Blondell* *Bobby Jordan*	
Jan. 27	Lone Wolf Spy Hunt (G) (D) *Warren William* *Ida Lupino*	Idiot's Delight (A) (D) *Shearer-Gable* Four Girls in White (G) (D)	Drifting Westward (O) *Jack Randall*	Paris Honeymoon (G) (C) *Bing Crosby* (3821)	Pride of the Navy (G) (D) *James Dunn* *Hudson* (822)		Jesse James (G) (D) *Tyrone Power* *Henry Fonda* (921)			King of the Underworld (G) (D) *Kay Francis* *Humphrey Bogart*	Exile Express *Anna Sten* (Jan. 20)
Feb. 3	North of Shanghai *Betty Furness* *James Craig*	Honolulu (G) (M) *Eleanor Powell* *Robert Young*	Navy Secrets *Fay Wray* *Grant Withers*	St. Louis Blues (G) (M) *Lloyd Nolan* *Lamour* (3822)	Home on the Prairie (G) (O) *Gene Autry*	Fisherman's Wharf (G) (D) *Bobby Breen* *Henry Armetta*	The Arizona Wildcat (G) (C) *Jane Withers* *Leo Carrillo*		Pirates of the Skies *Kent Taylor* *Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell* *Barton MacLane*	Ride 'Em Cowgirl (G) (O) *Dorothy Page* (Jan. 20)
Feb. 10	Texas Stampede *Starrett* *Meredith*	Adventures of Huckleberry Finn (C) *Rooney* *Connolly*	Sundown on the Prairie (O) *Tex Ritter*	Persons in Hiding (G) (D) *Overman* *Naish* (3823)	Woman Doctor (G) (D) *Inescort* *Wilcoxon*	Boy Slaves (G) (D) *Anne Shirley* *Roger Daniel*	Tail Spin (G) (D) *Alice Faye* *Bennett* *Charles Farrell*	Made for Each Other (G) (D) *Lombard* *Stewart*	The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne* *deHavilland* *George Brent*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 17	My Son Is a Criminal *Alan Baxter* *Jacqueline Wells*	Fast and Loose *Montgomery* *Russell*	Little Pal (re-issue) *Mickey Rooney* *Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport (G) (D) *Paul Kelly* *June Lang*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers *Don Ameche* *Ritz Bros.* *Binnie Barnes*	King of the Turf *Menjou* *Dolores Costello*	You Can't Cheat an Honest Man *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	
Feb. 24	Let Us Live *Fonda* *O'Sullivan*	Let Freedom Ring *Eddy* *L. Barrymore* *McLaglen*	Star Reporter *Warren Hull* *Marsha Hunt*	One Third of a Nation *Sylvia Sidney* Sunset Trail (3857) (O)	I Was a Convict *MacLane* *Roberts*	Beauty for the Asking (G) (D) *Lucille Ball* *Knowles* *Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari* *June Gale* (931)		Key Woman *Preston Foster* *Irene Hervey* *Walter W. King* *Fred Keating*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
March 3	Blondie Meets the Boss Romance of Redwoods *Bickford*	Ice Follies of 1939 *Crawford* *Stewart* *Lew Ayres*	Mystery of Mr. Wong *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Madeleine Carroll* *MacMurray*		Twelve Crowded Hours *Richard Dix* *Lucille Ball*	Wife, Husband and Friend *Loretta Young* *Baxter*	Stagecoach (G) (O) *Claire Trevor* *John Wayne* *Andy Devine*	Risky Business *George Murphy* *Dorothea Kent*	Adventures of Jane Arden *Rosella Towne* *William Gargan*	
March 10	Lone Star Pioneers *Bill Elliott* *Dorothy Gulliver*	Sergeant Madden *Wallace Beery*	Sky Pirate *John Trent* *Polly Ann Young*	The Beachcomber (A) (C) *Laughton* *Lanchester*		The Saint Strikes Back *George Sanders* *Wendy Barrie* *Neil Hamilton*	Inside Story *Michael Whalen* *Jean Rogers*		Three Smart Girls Grow Up *Deanna Durbin* *Win[illegible]ner*	The Oklahoma Kid *Cagney* *Bogart* *Rosemary Lane*	

'Delight' in Minneapolis Hits $10,000

MINNEAPOLIS, Feb. 9.—"Idiot's Delight" did a strong $10,000 at the State, with "There's That Woman Again" at the Century grossing $4,600 as runner-up. Running in its third week, "A Man to Remember" came through with a take of $3,600.

St. Paul's Winter Carnival ruined attendance there. "Jesse James" at the Orpheum was strong, however, with a take of $8,500.

Estimated takings for the week ending Feb. 3:

Minneapolis:

"Mr. Moto's Last Warning" (20th-Fox)
"Swing, Sister, Swing" (Univ.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,500. (Average, $1,500)
"There's That Woman Again" (Col.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $4,600. (Average, $4,000)
"Going Places" (W. B.)
GOPHER—(990) (25c-40c) 7 days. Gross: $3,200. (Average, $3,000)
"Stand Up and Fight" (M-G-M)
ORPHEUM — (2,900) (25c-40c) 7 days. Gross: $4,500. (Average, $4,800)
"Idiot's Delight" (M-G-M)
STATE (2,300) (25c-40c) 7 days. Gross: $10,000. (Average, $4,800)
"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days. Gross: $3,500. (Average, $1,600)

St. Paul:

"Jesse James" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $8,500. (Average, $3,200)
"Idiot's Delight" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,500. (Average, 4,400)
"There's That Woman Again" (Col.)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,000. (Average, $2,000)
"Heart of the North" (W. B.)
"Peck's Bad Boy at the Circus" (RKO)
TOWER—(1,000) (25c) 7 days. Gross: $2,000. (Average, $1,600)
"Mayerling" (Malmar)
WORLD—(400) (25c-35c) 7 days, 2nd week. Gross: $700. (Average, $700)

Wilmington Theatre Opened by Warners

WILMINGTON, Feb. 9.—New $660,000 Warner Theatre opened here last night with all the gala trimmings of a Hollywood premiere, including lobby broadcasts. The latest addition brings the total of Warner houses here to six. Lieutenant Governor Edward W. Cooch, Mayor Walter W. Bacon and Powers Gouraud, Philadelphia radio commentator, were the speakers.

Those present included Joseph H. Bernhard, general manager of Warner Theatres; Ted Schlanger, Warner Philadelphia circuit head; Jack L. Warner, Jr., A. J. Vanni, zone manager; John L. Mulhall, district manager: and Attorney General James Morford. The house is managed by Lewis S. Black.

Stevenson to England

T. K. Stevenson, Erpi president, sails for England on the *Queen Mary* today for a month's visit at the offices of Western Electric, Ltd., in London. The trip is his first to Europe since becoming president of Erpi. He plans to return on the *Queen Mary* March 9.

College Opens Today

Century Circuit will add another house when the College, 1588 Flatbush Ave., Brooklyn, opens today.

Hollywood Previews

"Convict's Code"

(Monogram)

HOLLYWOOD, Feb. 9.—"Convict's Code" tells a well planned story. It does so in interesting fashion by making use of a good balance of dialogue and action, through tightly knit suspense and by developing an unusual romantic interest.

The story is a melodrama. It concerns efforts of Robert Kent, who has been framed into a jail sentence, to discover and avenge himself upon those responsible. On parole, but considering himself more a prisoner than stone walls and iron bars had ever made him, Kent is employed by Sidney Blackmer. While the audience understands that Blackmer is the man who had victimized Kent, he is unaware of the situation. While trying to trace witnesses who had testified against him, Kent falls in love with Blackmer's sister, Anne Nagel. Baffled at every turn, watched by Blackmer's henchmen, Kent jeopardizes his liberty by participating in a robbery engineered by convict Carleton Young in return for a pledge that Young will name the man. From him, Kent learns that Blackmer is his objective. Then he has a greater problem. Avenging himself on Blackmer would bring unhappiness to Miss Nagel. The problem is solved by Blackmer who, shot as he saves Kent from being killed, writes a confession exonerating the boy. While Kent is re-jailed for violating his parole, Miss Nagel works valiantly to get a pardon on the strength of her brother's confession.

It is well written by John Krafft and intelligently directed by Lambert Hillyer. Competent support is contributed by Victor Kilian, Norman Willis, Carelton Young, Maude Eburne, Ben Alexander and Harry Strang.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

"The Adventures of Jane Arden"

(Warners)

HOLLYWOOD, Feb. 9.—All the exciting elements that are parts of action melodramas have been included in "The Adventures of Jane Arden." Most of them, of course, are old stuff. Yet there is enough that is either new or has been given a fresh treatment, so that the sum total is an entertaining picture.

A familiar plot, easy to follow and understand, is the basis of the production. A willful yet resourceful girl reporter gets herself into a peck of trouble and brings trouble to all who come within her orbit. Setting out to solve a mysterious murder case, she, in turn, becomes the willing and then unwilling tool of a gang of jewel smugglers. The killers and smugglers turn out to be the same parties. First result of the girl's activities is the kidnapping of her editor. Meanwhile she becomes the captive of the man she started out to capture. Stage for the exciting action and suspense laden climax is set when news of the editor's escape reaches the killer-smuggler and his hostage. In typical melodramatic fashion the editor flies to the rescue.

Backgrounds for the story are New York, aboard ship and Bermuda, which make for picturesque settings. Adapted from a newspaper cartoon strip of the same title, "The Adventures of Jane Arden" features Rosella Towne in the title role and presents William Gargan, James Stephenson, Pierre Watkin, Peggy Shannon, Dennie Moore and Bennie Rubin as principal supports.

In writing the screenplay, Vincent Sherman, Lawrence Kimble and Charles Curran concentrated on thrill action, yet did not neglect the necessary love interest or comedy contrasts . Terry Morse's direction balances everything nicely.

Running time, 60 minutes. "G."* G. McC.

**"G" denotes general classification.*

New York Managers Shifted by Loew's

Loew's circuit has made the following promotions and transfers in New York: Sam Rennis from Ave. B to Post Road; Charles Mayer, Brevoort to Ave. B; Ed O'Connor becomes assistant at the Brevoort; Lawrence Stark, Broadway to Spooner; Reginald Forsyth, Post Road to Apollo; Sydney Kain, new assistant at Broadway. Ralph D. Schwartz, Spooner, is on leave of absence.

CEA Asked for New Statement on Quota

LONDON, Feb. 9.—Board of Trade has intimated that the statement of the Cinematograph Exhibitors' Association relative to the quota provisions of the Films Act, is unsatisfactorily inadequate. The board has asked, therefore, for a new statement, indicating unequivocally and more specifically and completely, the exhibitor organization's attitude toward the quota provisions.

'Gunga Din' Boston Smash With $32,000

BOSTON, Feb. 9.—"Gunga Din" and the "Walt Disney Revue" took a terrific $32,000 at the Keith Memorial. "Jesse James" and "While New York Sleeps" took $27,000 at the Metropolitan.

"Sweethearts" and "The Girl Downstairs" dualing at Loew's State and Orpheum took $14,000 and $18,000, respectively for the second week. "Zaza" and "Disbarred" were good, with $13,500 at the Paramount and $7,500 at the Fenway.

Estimated takings for the week ending February 8-9:

"Gunga Din" (RKO)
"Disney Revue" (RKO)
KEITH MEMORIAL—(2,970) (25c-35c-40c-55c) 7 days. Gross: $32,000. (Average, $13,000)
"Jesse James" (20th-Fox)
"While New York Sleeps" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $27,000. (Average, $12,500)
"Sweethearts" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $18,000. (Average, $13,000)
"Sweethearts" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $14,000. (Average, $11,000)
"Zaza" (Para.)
"Disbarred" (Para.)
PARAMOUNT—(1,790) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $8,500)
"Zaza" (Para.)
"Disbarred" (Para.)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days. Gross: $7,500. (Average, $4,500)
"The Long Shot" (G. N.)
(3 days with vaude.)
"Tough Kid" (Mono.)
(3 days with vaude.)
"Just Around the Corner" (20th-Fox)
(4 days)
"The Sisters" (W. B.)
(4 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $8,000. (Average, $10,000)

'Criminal' $4,600 In Oklahoma City

OKLAHOMA CITY, Feb. 9.—Grosses were generally off here, with "They Made Me a Criminal" doing fair business, $4,600 at the Criterion. "Jesse James" in the second week took $3,350 at the Tower.

Estimated takings for the week ending Feb. 2:

"They Made Me a Criminal" (W. B.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,600. (Average, $5,200)
"Dark Rapture" (Univ.)
"His Exciting Night" (Univ.)
LIBERTY—(1,200) (20c-25c-30c) 7 days. Gross: $2,200. (Average, $2,500)
"The Birth of a Baby" (Special)
MIDWEST—(1,500) (25c-35c-40c) 6 days. Gross: $3,800. (Average, $4,500)
"Kentucky" (20th-Fox)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,200. (Average, $2,300)
"Blondie" (Col.)
STATE—(1,100) (20c-25c-40c) 7 days. Gross: $2,450. (Average, $3,500)
"Jesse James" (20th-Fox)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $3,350. (Average, $2,500)

Discards Stage Shows

CINCINNATI, Feb. 9.—Stage shows have been dropped from the RKO Shubert, the house again showing straight films, on a grind basis. Matinee prices will be 35 cents, with the evening rate, 42 cents, including tax.

3-Man Body to Replace FCC Asked in Bill

WASHINGTON, Feb. 9.—Creation of a three-man communications commission to take over all functions of the present F. C. C., is provided in a measure introduced in Congress today by Senator Wheeler of Montana, chairman of the Interstate Commerce Committee, in charge of radio legislation. The bill embodies the ideas of Chairman Frank R. McNinch who has held several conferences with the Senator since President Roosevelt's letter recommending reorganization of the F. C. C.

No provision is made for the transfer of any present F. C. C. commissioners to the new body. The president may nominate them if he wishes, however.

All three members are to be appointed, initially, to serve two, four and six years, respectively, and thereafter six years, at $10,000 a year. The entire existing staff would be placed on a temporary basis for the first 60 days of the new commission, giving opportunity for such reorganization as may be desired. All present duties of the F. C. C. would be transferred to the new body, Senator Wheeler explaining that the measure amending the Communications Act will be introduced later, and the new commission would be given the same freedom as the present agency to divide the work among the commissioners.

New positions provided for in the bill include an administrative assistant for broadcasting to be under the direction of the chairman, and a new research official to study listener response, complaints and similar matters.

The bill is expected to be taken up at the next meeting of the committee, and probably dates will be set for hearings.

Nicholas Quits RCA For Farnsworth Unit

E. A. Nicholas, vice-president in charge of licenses for RCA, has resigned to become president of the Farnsworth Television and Radio Corp.

The newly reorganized Farnsworth Corp. plans to purchase the plant of the Capehart Co. plant at Fort Wayne, Ind., and the facilities of the General Household Utilities Co., Marion, Ind.

Financing will be provided through a stock offering. The company will file with the S.E.C. a registration statement covering 600,000 shares of $1 par stock. E. H. Rollins & Son, Inc., will head the underwriting syndicate. The Farnsworth company will manufacture television and radio sets. Philo T. Farnsworth will be a vice-president and director of research.

Mexico Bans Loudspeaker

MEXICO CITY, Feb. 9.—Police have clamped down on the use of radio loudspeakers by political spielers as it was found these broadcasts often provoked riots.

Radio Personals

BILLY ROSE will be the commentator on Sunday's "This Is New York" show. . . . Bud Hulick and Arlene Francis will guest apear on Bob Hawk's "People's Rally" next Monday. . . . Bert Lebhar, director of sales for WMCA, is the father of a girl, born to Mrs. Lebhar on Wednesday. . . . Ted Granick of Mutual is in Beth Israel Hospital recovering from an appendicitis operation. . . . Jack Hasty, radio and film script writer, has been engaged by NBC to write television shooting scripts. . . . Mel Allen leaves the CBS "Swing Club" sessions next Saturday and will be repaced by Dan Seymour.

AP Now Permits Broadcasting of News Dispatches

Associated Press is now allowing its news to be broadcast. Service to NBC was begun yesterday morning, and within a few days CBS also will be broadcasting AP news dispatches.

While it has been known in the trade for some weeks that such a deal was in prospect, yesterday's development came as a surprise. As late as last evening the Associated Press had no statement on the matter, and at NBC it was merely acknowledged that the network now was broadcasting AP news.

O. S. Gramling, executive assistant to Kent Cooper, head of the AP, made the deal which brings America's oldest and largest news organization into the radio fold. It is the last to come in, United Press and International News Service having entered the radio field some years ago. Gramling is in Canada and is not expected back for at least a week. Until his return, it is understood, AP will maintain an official silence.

First intimation that the AP would make its news available to radio followed collapse of the Press Radio Bureau, which virtually ceased operations about six weeks ago. Press Radio was formed some years ago to end network competition with the news services. Press Radio bulletins were provided by AP, UP and INS in especially edited radio form.

AP, however, is not now editing its news for radio. It comes to NBC in straight newspaper style, and at the network it is rewritten for the ear. At CBS it was said that negotiations there with AP are virtually concluded, and that service will begin within the next few days.

It was said last night at NBC that the A. P. will furnish news to NBC as a public service as it had been doing through the Press Radio Bureau. It is furnished without remuneration and is put on the air by NBC twice a day.

Drops NBC Affiliation

WWNC, Asheville, N. C., has notified NBC, with which it has been affiliated for some years, that its affiliation with the network will terminate as of April 1.

Banner LINES

TWO hours of television a week is what RCA-NBC will attempt this spring and summer from the World's Fair grounds—about five months operations in all. That's a right modest schedule . . . yet, according to what Major Lohr tells us, the cost of maintaining that modest schedule will be approximately a half-million dollars. Perhaps now you'll understand why television still hasn't rounded that well-known corner.

▼

Radio band leaders are a progressive lot, always on the lookout for a new novelty instrument which can be exploited as a particular feature of their bands. But the P'i-P'a has them frustrated. They not only can't spell or pronounce P'i-P'a, they can't play it. P'i-P'a, if you're curious, is a stringed instrument of the Orient, introduced here recently by the Chinese company of "An Evening in Cathay." There are 35 techniques for playing it properly, and only the Toscaninis of China can play it.

▼

From W. R. Hiller, a theatre manager in Marshall, Minn., comes a note approving the withdrawal of Tyrone Power from the air. Hiller says the practice should be adopted by all the producing companies.

"If they (the producers) don't think its hurting the theatre business, just get an earful of this," he writes, and encloses an editorial from a local newspaper which appeals to the people not to use electric razors, vacuum cleaners and other electric devices during the evenings, so that people can enjoy their radio programs at home.

However, along in his letter, Hiller lays his finger on the real core of the film vs. radio controversy. "Judging from the big majority of product released since Jan. 1, I can't say that I blame them (the people) from staying at home with their free radio entertainment," he states.

▼

Fred Waring's current radio program will not be renewed beyond its present contractual period. It's the shortest radio run Waring ever has had—26 weeks.

—JACK BANNER

WHN, Loew in Air Contest on Picture

In a tieup with Loew's Theatres for the picture "Dramatic School," WHN is broadcasting a dramatic contest with participants consisting of students representing 43 New York City High Schools. Each school has selected one student to act the role of one of the characters in the picture. The students will broadcast over WHN in scenes from the picture for prizes of $1,000 in free scholarships to a dramatic academy. Judges include Jane Cowl, Robert Morley and Maurice Evans.

Kemp to Return to CBS

Griffin Shoe Polish Co. has signed to return Hal Kemp to the CBS airways this spring in the "Time to Shine" series in which Kemp was featured last spring and summer by the same sponsor.

Mutual Hurt By Failure to Get Outlets

WASHINGTON, Feb. 9.—The Mutual Broadcasting System is losing ground because of its inability to obtain assured outlets in principal markets, the F. C. C. monopoly committee was told today by General Manager Fred Weber.

Weber explained that in many desirable markets all stations with adequate coverage are tied up with other networks, if they can take Mutual programs at all must use them on hours not taken up by other chains and only with a provision for cancellation on 28 days' notice. Philadelphia, Kansas City, Cleveland, Birmingham, Providence and Omaha were among the cities cited by the Mutual official. As a result, advertisers have deserted Mutual in favor of other chains, and the network last year had fewer advertisers than in 1937.

The witness explained that only 42 cities have three or more full time stations, even including locals with inadequate coverage, and only 31 have four or more stations.

One result of the situation, Weber pointed out, is that because of the inability to guarantee coverage during best hours, Mutual stations which have no other chain affiliations find it necessary to find local accounts for much time which would be valuable to national advertisers. He emphasized he was not complaining of other networks, but merely was trying to bring out a situation which kept Mutual advertising down and slowed expansion.

Broadcast Engineers Meeting in Columbus

COLUMBUS, Feb. 9.—Approximately 100 men from all sections of the U.S. and Canada are here attending the second annual two-week conference of broadcast engineers, sponsored by the Ohio State University. Radio transmitter problems and television are the chief topics under discussion.

There will be a panel discussion on "Standards of Good Engineering" by Andrew W. Ring, assistant chief engineer for the F.C.C., and a lecture demonstration by Dr. J. O. Perrine, of A. T. & T., on "Waves, Words and Wires."

McGeehan Appointed

Martin J. McGeehan is newly appointed head of the Milwaukee office of Radio Sales, Inc., of CBS. He succeeds Victor Giebish in the post.

WNEW to Double Power of Station

WNEW of New York will begin operating with 5,000 watts power on Monday, the F. C. C. having granted its request for an increase to double its present power. The same day, incidentally, marks the beginning of the station's fifth anniversary of operations.

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VOL. 45. NO. 30 NEW YORK, TUESDAY, FEBRUARY 14, 1939 TEN CENTS

Hidden Tax on N. Y. Theatres Bared in Bill

Joker in Store Measure Asks $50 to $1,000

By RICHARD CONNERS

ALBANY, Feb. 13.—Proposal to tax theatres controlled by circuits of three or more at a rate of $50 to $1,000 each has been introduced by Assemblyman L. Bennett and is now under consideration by the Committee on Taxation. The proposal is hidden in a bill to tax chain "stores."

Although the bill is titled and refers only to the licensing of stores, Section 8 defines stores to include theatres. The scale of license fees proposed starts with $50 each for "stores" in excess of two and not more than five, and goes up to $100 each for six to 10, $250 each for 11 to 25, and $1,000 each for 26 or more.

The bill requires all "stores" to be licensed annually, and violation is made a misdemeanor punishable by a fine of from $25 to $100. Each day of operation without a license is a separate offense.

20th-Fox Completes Cosmopolitan Deal

LOS ANGELES, Feb. 13.—A two-year producing and release deal between 20th Century-Fox and Cosmopolitan has been completed. Four to six pictures will be released by the former, which will obtain the rights to Cosmopolitan stories.

Amalgamated Studio Is Bought by Rank

London, Feb. 13.—J. Arthur Rank, head of General Film Distributors (C. M. Woolf) and of the recently merged Pinewood-Denham studios, has purchased Amalgamated Studios at Elstree. The deal was consummated with McAlpine & Sons, former owners of the property, immediately following the expiration of the lease and purchase option on the studio held by Paul Soskin's company, Soskin Prod., Ltd.

Disposition of the property was the subject of consierable advance speculation, local reports having had the Government, John Maxwell and Oscar Deutsch, among others, negotiating for the studio.

Myers Comments

Commenting on the Supreme Court decision in the Dallas case, Abram F. Myers, general counsel of Allied States, said, "You will realize the consequences of this ruling as applied to numerous conditions imposed on independents. . . . The Supreme Court probably has given independents an effective weapon for their protection."

20th-Fox Will Set New Sales Policy At Meet Tomorrow

New season's sales policy of 20th Century-Fox will be set at a conference of home office executives and district managers at the Park Central Hotel tomorrow. Problems relating to the balance of this season's selling will also be discussed. The meeting may last two days.

Herman Wobber, director of distribution, will preside and outline pro-

(Continued on page 4)

North Dakota Divorcement Law Repealed

If Signed, Will Forestall High Court Action

BISMARCK, Feb. 13.—The North Dakota legislature voted over the weekend to repeal the state's affiliated theatre divorcement law. The statute will become non-existent if Governor John Moses signs the repeal bill.

If the repeal gets the Governor's signature there will be no action by the U. S. Supreme Court on the constitutionality of the theatre divorcement law. In legal parlance, the matter would become "moot" or of "no consequence" and would be dismissed by the high court, which was scheduled to hear arguments on the law next month. Late Saturday a resolution was introduced in the house urging Governor Moses to veto the repeal bill.

Price Control By Copyright Held Illegal

U. S. Supreme Court So Rules in Texas Case

WASHINGTON, Feb. 13.—U. S. Supreme Court today affiirmed the verdict of the Texas District Court in the Dallas antiEtrust suit, holding major distributors, the Interstate Circuit and Texas Consolidated Theatres to have violated the Sherman Act in restrictive contracts with subsequent run theatres. Texas Consolidated Theatres is a subsidiary of Paramount Pictures.

The decision was by a five to three vote, Justices Roberts, McReynolds and Butler dissenting. Justice Frankfurter did not participate.

Majority opinion, delivered by Justice Stone, in commenting upon the agreement which the Government charged distributors made with the two circuits, said, "It taxes credulity to believe that the several distributors would, in the circumstances, have accepted and put into operation with substantial unanimity such far-reaching changes in their business methods without some understanding that all were to join, and we reject, as beyond the range of probability, that it was the result of mere chance.

"Purpose and ultimate effect of each of its (Interstate's) contracts with distributors was to restrain its competitors in theatre business by forcing an increase in their admission price and compelling them through double feature restriction to make their entertainment less attractive, and to preclude distributors for specified time from replacing pressure of restrictions upon them,"

Zanuck Seeks Restriction; Metro Will Drop Air Show

HOLLYWOOD, Feb. 13.—Darryl Zanuck, it became known here, is working out fianancial and contract readjustments with 20th Century-Fox stars which will empower the studio to limit and control their radio activities. Although no statement is forthcoming, it is known that the studio is contemplating the radio retirement of Don Ameche, who currently is heard each Sunday on the Chase & Sanborn Hour.

Also in progress are revisions of contracts under which other name players have been free to accept a specified number of air stints during specified hours.

Heeding the rising volume of exhibitor protest since radio log listings took on the appearance of a Hollywood "blue book," M-G-M will terminate its "Good News" radio program.

Metro's first decision was to end the series on March 30, and officially released a statement to this effect. However, there is a good chance that the program may not go off the air on that date, for it is known that Benton & Bowles, the agency handling the series, has asked the film company to reconsider and allow the series to remain on the air until the end of June, at which time the series would normally leave the air for the summer period. It is believed that M-G-M will give the request for such an extension some serious thought.

William F. Rodgers, general sales manager of M-G-M in making known his company's action, said: "Since our business is with the exhibitor, M-G-M in fairness to them is taking this step to discourage radio participation by its stars."

Myers Approves Warmly

WASHINGTON, Feb. 13.—Abram F. Myers, Allied general counsel, warmly approved the withdrawal of the M-G-M series. He said: "Metro's withdrawal from radio will be acclaimed by exhibitors who have been paying steadily increasing rentals for the doubtful privilege of playing star pictures in opposition to the same stars on the free air. The metamorphosis now gradually taking place is vastly encouraging to those who have looked to the day when motion pictures, freed of the heritage of pickpocket opportunism, would take its rightful place as America's greatest and most typical industry."

Monogram to Make 54 Films This Year

HOLLYWOOD, Feb. 13.—Monogram's 1939-'40 program will consist of 30 features and 24 Westerns, W. Ray Johnston said today. This is four more than last year's schedule. Budgets have been increased for the top 18 features.

Retained in next year's program will be the "Mr. Wong Detective" series featuring Boris Karloff, the Frankie Darro series and the Tailspin Tommy sequence. Eight John Wayne reissues will be included in the western group.

Johnston will attend the board of directors meeting Wednesday and the annual stockholders meeting March 1.

MOTION PICTURE DAILY

Tuesday, February 14, 1939

Purely Personal

WRAY JOHNSTON, Monogram president, arrives tomorrow from the coast.

•

ROY DISNEY left New York for the coast over the weekend after a two-week visit here with HAL HORNE.

•

JOSE SCHORR of the Columbia publicity department assisted DR. WILLIAM ENGEL with the rewrite of his book, "Sensible Dieting," which Knopf is publishing Feb. 20.

•

BILL SAAL of Republic is on the coast handling the publicity on "Men of Conquest."

•

MICKEY ROONEY arrived Sunday with his mother for a two-week vacation.

•

TOBY GRUEN of National Screen and BILL SUSSMAN of 20th Century-Fox and their wives have returned from a cruise to Rio.

•

DON EDDY of the 20th Century-Fox studio publicity department is here with the "Tail Spin" air tour crew.

•

MAX COHEN, sales manager at Universal's New York exchange, is expected back today from a Florida vacation.

•

BILLY GILBERT'S original screen story, "Three Men and a Girl," has been acquired by M-G-M.

•

WALTER WANGER has joined the national committee sponsoring the benefit concert tour of MISCHA ELMAN, violinist.

•

WALTER J. HUTCHINSON, director of foreign distribution for 20th Century-Fox, left Saturday for Miami, to return next Monday.

•

MR. AND MRS. MARTIN QUIGLEY sailed Saturday on the *Washington* for California.

•

RALPH RAVENSCROFT has returned to the coast.

•

ED REED, manager of Strand, Providence, back home after brief vacation in New York.

•

JAMES MULVEY, WILLIAM POWERS, JULES LEVY at the Plaza Grill for lunch the other day.

•

JAMES ROOSEVELT lunched with AMBASSADOR JOSEPH P. KENNEDY Friday.

•

MERLIN HALL AYLESWORTH has gone to Florida for several weeks.

•

EDWARD P. CURTIS, sales manager of the motion picture division of Eastman Kodak, left over the weekend for Hollywood.

•

HOWARD DIETZ was out of town over the weekend.

•

WILL HAYS has arrived in New York from the coast.

•

NED DEPINET has returned to New York from the west.

Insiders' Outlook

By SAM SHAIN

M-G-M, *the friendly company*

ON another page in this issue there is an account of Metro's cancellation of its "Good News" radio program. Most significant in connection with this is the statement of William F. Rodgers:

"Since our business is with exhibitors, M-G-M, in fairness to them, is taking this step to discourage radio participation by its stars."

Rodgers speaks specifically for Metro, but he is representative of the entire industry of which he is an esteemed leader. By his statement he sets forth a policy which is in keeping with the tradition of his firm, M-G-M, "the friendly company." Also, as Rodgers is chairman of the distributors' committee on trade practice reform, his statement is doubly significant.

▼

Have you ever watched the traffic cop at 5th Ave. and 39th St.? He sings his orders to drivers and his signal to stop traffic is a sonorous "No," with appropriate gesture. His deadpan would make Buster Keaton blush.

And if you take our suggestion and walk down 5th Ave., and find that this bluecoat baritone is silent or that he is not there, make believe you are a Metro scout and get a warming glow from the crouching lions in front of the Public Library.

▼

Those Metro boys had conceived an interesting campaign for "Huckleberry Finn."

Cradled in a conventional berry container and labelled appropriately, "it's the berries" is a direct mail booklet from Metro-Goldwyn-Mayer containing reproductions of the national magazine campaign for "Huckleberry Finn." Booklet is die-cut in volume form with character head of Mickey Rooney, his name and the picture title on the cover.

Copy claims a reader circulation of more than one hundred million in the publications carrying the "Finn" displays. These include *Colliers, Saturday Evening Post, Popular Mechanics, American, Newsweek, Red Book, Time, Look, Good Housekeeping, Young America,* among others.

▼ ▼

Oscar A. Doob, advertising head of the Loew theatre end, can take a bow for his unique bulletin series on "Pygmalion," which was circulated among critics in cities and towns where Loew operates. These snappy, chatty, breezy pamphlets were prepared along personal lines, in a manner which prompted several of the critics to pick the subject matter for publication in their columns. These comments attained great proportions and soon Doob was carrying on a personal correspondence with the critics through their columns which ended on the day that the picture opened in the respective spots.

▼ ▼

And now, a word for United Artists — the Silverstone company is apparently contemplating an increased magazine advertising schedule, supplementing its newspaper campaign. During the current season, under Lynn Farnol's direction, U. A. used extensive magazine advertising campaigns in behalf of Alexander Korda's production of "Drums," the Hal Roach picture, "Topper Takes a Trip," and the Walter Wanger film, "Trade Winds."

A big campaign is under way for Samuel Goldwyn's production "Wuthering Heights." Full color pages will be used in *Ladies Home Journal, McCalls, Cosmopolitan, Saturday Evening Post, Collier's, Life* and *American Weekly.* The first insertions will appear late in March and early April.

Later, in the spring, an ambitious campaign on the Alexander Korda production of "Four Feathers," concentrating on the weeklies and color gravure to make the most use of the Sudan settings, photographed in color, will be launched by United Artists.

▼ ▼

Distinct service to the cause of human liberty and the justification for democracy in the troubled world of today was rendered by the National Broadcasting Company in a Sunday broadcast, whose significant and self-explanatory title was "Freedom, the Living Tradition."

Arranged by Ernest Boyd, the half-hour program, through the subtle device of two average men arguing the value of listening to "the same old stuff" on Lincoln's Birthday, offers excerpts from famous addresses of history. All, despite the dates of their rendition, strike the note of liberty and freedom, spoken by Patrick Henry, Edmund Burke, Thomas Jefferson, Daniel Webster, Louis Kossuth. The program concludes with the now notable rendition of the Gettysburg address by Charles Laughton.

Umansky Departs After U. S. Survey

A. Umansky, the well known Paris theatre operator who has been in America for the last six weeks studying American exhibition conditions and possible outlets for French pictures, sailed on the *Paris* Saturday.

His survey of industry conditions in the principal cities of the east has convinced him that there is a much broader market in this country for French pictures than has yet been explored. The reception which he found had been given by the American exhibitor and public to "Grand Illusion" and "Heart of Paris" particularly and other important French productions leads him to believe that foreign pictures, French pictures in particular please a sector of the American public more than many American pictures. He compares that sector with the sector of the French public which accepts American pictures. He feels, therefore, that the possibilities for French pictures can be extended by intensive exploitation and distribution to many more sections of this country.

Umansky expects to return to New York within the next few months with definite plans for French picture distribution.

Einfeld Arrives for New York Conference

S. Charles Einfeld, director of publicity and advertising for Warner Bros., arrived in New York over the weekend from the coast. He plans to spend three weeks here in conferences with eastern executives. Discussion will center around the advertising program for Warner product which is set for release in the next few months.

A number of special exploitation campaigns will be mapped for the immediate future. Next season's product will also be considered in the talks.

Cohn Quits 20th-Fox

HOLLYWOOD, Feb. 13.—Alfred A. Cohn, who joined the 20th Century-Fox staff a year ago, has resigned to accept a post with another studio shortly to be announced.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

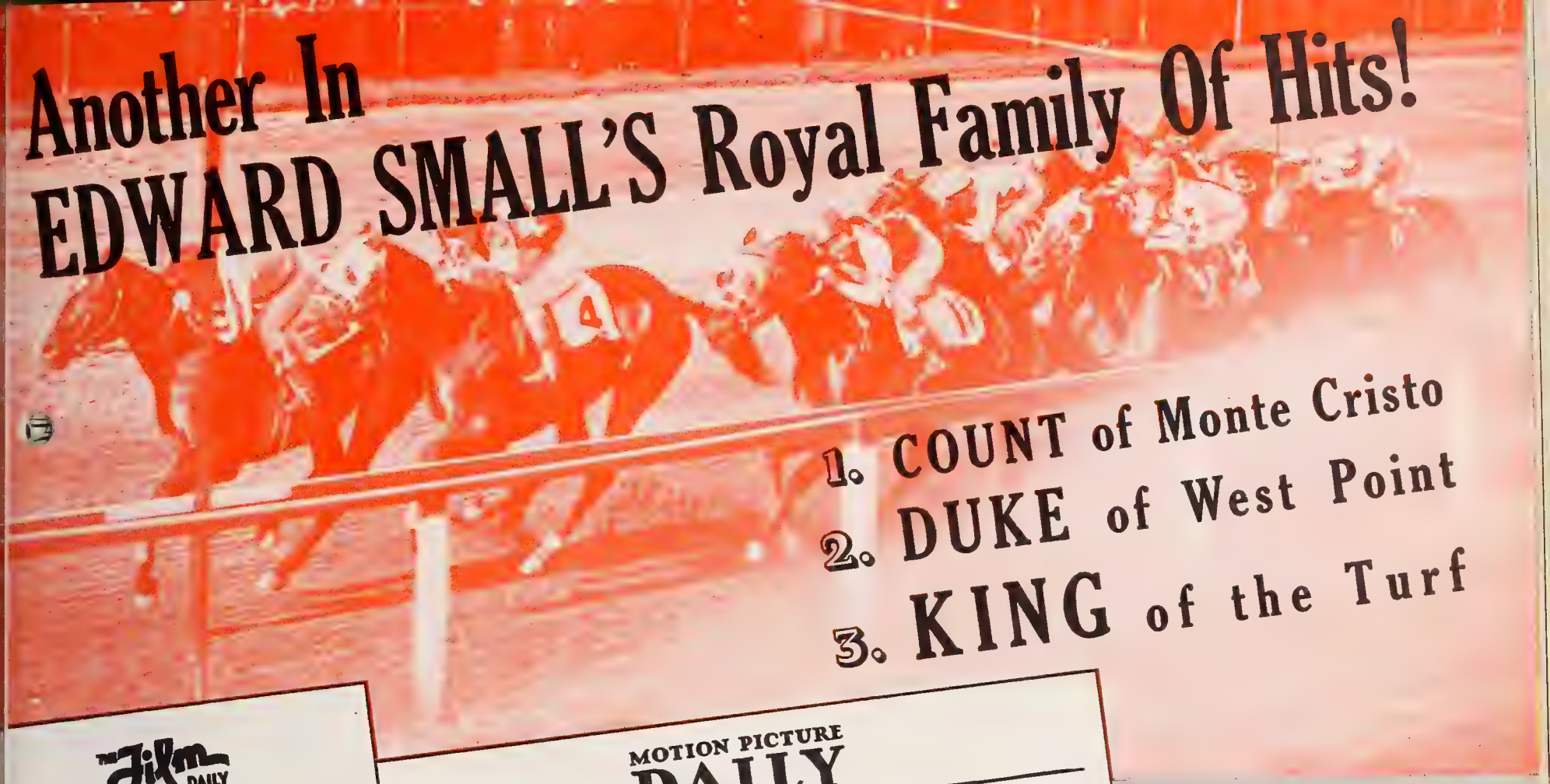
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Another In EDWARD SMALL'S Royal Family Of Hits!



1. COUNT of Monte Cristo
2. DUKE of West Point
3. KING of the Turf

The Film Daily

THRILLING RACE - TRACK MELLER WITH STRONG EMOTIONAL PUNCH IN A FATHER-SON THEME.

A highly emotionalized story of the race-track, with high voltage hoke content, but good hoke that makes for swell audience reaction. Adolphe Menjou is the down-and-out who was once a great race-track figure controlling a famous stable. A crooked race framed on him resulting in the death of his favorite jockey and horse sent him to the dogs and drink. When the play opens, he is stealing a ride on a horse-car through the friendly gesture of Roger Daniel, who is stable boy for a racing outfit. The result of the friendship throws the two together. They acquire a skittish horse with a couple of dollars, and with the skillful training of the old master, the boy riding, they eventually work up to a sizable bankroll by taking several minor races. Then into the business of the crooked bookie-gambler ring, with the gang trying to get the old timer and the boy to play along with them. Meanwhile it is disclosed that the kid has run away from a nice home in the East, and the audience is let in on the fact that Menjou is the boy's father, the youngster having been born after the mother left the hopelessly drunken race track celeb. Here the sentimental and emotional material is worked up, with the struggle between the mother and father for possession of the youngster, the mother feeling that the boy's life will be ruined if he stays in the race game. Finally the father is sold that she is right. He makes himself out a cheap gambler and a crooked racing owner in the eyes of the youth on purpose to kill his love for the track and horses. He frames the big race with the gambling crowd, with their great colt to lose when it was rated a sure winner with the public, and gets the boy to promise to throw the race. But the youngster's love for the horse won't let him pull him in, and he goes through to win in a driving finish. The ending is different, with the youngster going back to his home and believing that his "boss" was just another crooked gambler, never knowing it was his own dad making the big sacrifice. Pure sentimental hoke, but effective. Fine performance by Menjou. The youngster, Roger Daniel, is great. Dolores Costello charming as of old as the mother. Director Alfred E. Green got all the thrill and sentimental values out of it.

MOTION PICTURE DAILY

New York Previews

"King of the Turf"

(Small-United Artists)

Here is a picture that will appeal to all, whether they are interested in horse racing or not. Adolphe Menjou, as Jim Mason the trainer who drank himself from the top of the heap to the gutter, makes it an all 'round picture, ably abetted by Roger Daniel, a 14-year-old, who will be heard from unless all signs fail. As Goldie, a runaway who loved horses more than his home in Westchester, Daniel brings Mason back on top, after a series of exciting episodes centering around the Gold Cup, which Goldie wins with Red Gold, Mason's "two-buck" horse.

Although racing is the theme, there is a deeper note, which, less ably handled than it was by the adept Menjou, would have been almost a sermon to runaway boys. It gives the other side of the picture, which the boy, seeing only the glory of his great adventure, does not see. Dolores Costello, stalwart trouper that she is, helps Menjou mightily in keeping the story from sermonizing too strongly while putting over the wise advice to runaway boys or prospective runaways.

Although the "big race," in which Goldie wins for Mason, is the highlight of the picture and is packed with all the thrills that have filled so many real classics of the turf, the really great scene is one between Menjou and Daniel. In it Menjou, simulating drunkenness, tries to make Goldie go back to his mother by pretending to enter into a double cross with a bunch of track gamblers. Menjou, in his quiet way, puts it over while Daniel reaches real heights for a boy of 14. So smoothly do the two work together, however, and so gripping the scene that there is no question of stealing it.

"King of the Turf" should be box-office, without question.

EDWARD SMALL presents

ADOLPHE MENJOU

in

KING OF THE TURF

with

DOLORES COSTELLO • ROGER DANIEL • WALTER ABEL
ALAN DINEHART • HAROLD HUBER • WILLIAM DEMAREST

Screenplay by GEORGE BRUCE · Directed by ALFRED E. GREEN

RELEASED THRU UNITED ARTISTS

5 and 10 Newsreel Circuit Is Planned

A circuit of small theatres showing 16 mm. newsreels and shorts is projected by a company known as 5 and 10 Movies, Inc., which has been incorporated at Albany. Among officers of the company will be Hickman Price, Ruth Maizel and Ruth M. Stohlberg of Cranford, N. Y.

The company derives its name from the fact that it plans to charge five cents children's admission and 10 cents for adults.

Price is in charge of the New York office of DeVry Corp., manufacturer of 16 mm. projection and recording equipment. DeVry has been planning a national 16 mm. newsreel and other subjects for exhibition in theatres especially built for the purpose.

Southern Amusement Wins on Tax Appeal

NEW ORLEANS, Feb. 13.—The Southern Amusement Co., Inc., Lake Charles, La., does not owe $2,124.22 in income tax deficiences claimed by the government for 1935, it has been ruled by Charles P. Smith, member of the board of tax appeals. The company, operator of 10 motion picture theatres in Louisiana, held that it was entitled to deduction of 3 per cent for depreciation of theatre buildings in figuring income on which tax was due. Government attorneys held the company was entitled to only 2 per cent deduction for depreciations.

N. Y. Censor Bans "Darling Daughter"

The film version of "Yes, My Darling Daughter" has been banned by the New York State Board of Censors. Warners have made an appeal to the State Board of Regents at Albany. The film is an adaptation of the play of the same name by Mark Reed which was produced on Broadway in 1937. It was scheduled to open at the Strand next Friday.

Vorkapich Signed by Pascal for 'Dilemma'

Slavko Vorkapich, formerly with M-G-M, has been signed by Gabriel Pascal, British producer, to do the montage work on "Doctor's Dilemma."

Pascal sailed Friday on the *Queen Mary* to confer with Bernard Shaw on the script of the film and will return shortly to complete the shooting script in Hollywood. The film will be made in England, for M-G-M release.

Deny Star Suit Dismissal

N. Y. Supreme Court Justice Samuel I. Rosenman on Friday denied an application of Mogull Bros., Inc., and Charles and Leo Mogull, to dismiss the complaint of Star Safety Film, Inc., which seeks $17,000 damages, charging the defendants with receiving and converting 3,000,000 feet of film allegedly stolen from the plaintiff.

Starts Dual Policy

CINCINNATI, Feb. 13.—RKO Family, heretofore playing single bills with three weekly changes, has gone to a double feature policy, changing Sundays and Thursdays. The 15 and 25-cent admission scale remains the same.

"Picture Week" Is Planned in Mexico

Mexico City, Feb. 13.—As the "week" proposition has become a Mexican institution, domestic movie producers are completing details for the celebration of national motion picture week, during which only made in Mexico pictures will be exhibited. They have told the government, in asking authorization for this celebration, that such a week will stimulate interest in home productions.

20th-Fox to Set New Season Sales Policy

(*Continued from page* 1)

duction budgets for 1939-40, which will reach a new high. Much of the boost is due to labor costs, increased and new taxes, purchases of story material and other factors.

S. R. Kent, president, will discuss the company's plans and the responsibilities of the domestic sales organization in view of developments abroad. Division managers will hold individual meetings with district heads on Thursday.

Audited standings of branches in the 1938 Kent Drive will be announced and plans discussed for the 1939 drive.

In addition to Kent and Wobber, the home office will be represented by the following: Truman H. Talley, Felix A. Jenkins, Charles E. McCarthy; Division Managers William J. Kupper, William Sussman and William C. Gehring; William J. Clark, short subjects sales manager; Martin Moskowitz, assistant to Wobber: Jack Bloom, contract manager, and Roger Ferri, Clarence A. Hill, Edwin H. Collins, Theodore Shaw and Sam Epstein.

The foreign department will be represented by Walter J. Hutchinson, director of foreign distribution; Irving Maas, service manager and assistant to Hutchinson, and Leslie F. Whelan.

District managers from the field will include Tom H. Bailey, Boston; Edgar Moss, Philadelphia; G. A. Roberts, Cleveland; Harry G. Ballance, Atlanta; Ward E. Scott, Kansas City; F. A. Levy, Minneapolis, and James P. O'Loghlin, Toronto. Branch Managers Harry H. Buxbaum of New York and Clyde W. Eckhardt of Chicago will attend.

Two Unions Picket Wilmington House

WILMINGTON, Feb. 13.—The New Rialto Theatre is being picketed by members of Local 473, International Alliance of Theatrical Stage Employes and the projectionists' union. The action follows the walkout of four union projectionists who charged the management refused to negotiate a new agreement.

Schine Gets 3 in Rochester

ROCHESTER, N. Y., Feb. 13.—Schine Circuit has acquired three neighborhood houses from A. A. Fenyvessy at a reported price between $600,000 and $700,000. The deal gives the Schine Circuit 10 neighborhood houses here. Fenyvessy still retains the Little and the Capitol.

Graham Here Feb. 17 For Dufaycolor Parley

John Cecil Graham, formerly managing director for Paramount in Great Britain, arrives Feb. 17 from London to confer with P. M. Hamilton, president of Dufaycolor Co.

Graham recently joined Dufay Chromex in England as a member of the board. He is believed to be one of the designees of the British company on the board of Dufaycolor, which on Jan. 1 ceased to be a Dufay Chromex subsidiary.

Col. Leslie R. Naftzger, attorney, also will represent the English company on the Dufaycolor board. Naftzger sailed Saturday on the *Paris* for Paris and London, where he will report on the American reorganization to Dufay Chromex. He was vice-president of the former American subsidiary.

Denham Laboratories in London, affiliated with Denham studios, denies that Graham has been appointed its chairman.

Bush in Lachmann Place at 20th-Fox

Rodney Bush, in charge of national cooperative advertising for 20th Century-Fox, has been appointed special exploitation representative by Charles E. McCarthy, director of advertising and publicity.

Bush succeeds Marc Lachmann, who resigned Friday. He left for the coast Sunday. It is understood that Lachmann prefers an assignment that will permit him to spend more time with his family on the coast.

William Chambliss, who has been assistant to Lachmann, continues under Bush.

Miggins, Harley Sail After Long US Visit

Benjamin Miggins, 20th Century-Fox manager for Continental Europe, and Francis L. Harley, British managing director, sailed Friday on the *Queen Mary*. They were here several weeks and visited the coast.

Seeing them off when the boat sailed were Walter J. Hutchinson, foreign director; Truman Talley, Edmund Reek, Irving Maas, Les Whelan, Ed Thorgersen and Lew Lehr.

Deny Disney Dismissal

N. Y. Supreme Court Justice Bernard Shientag on Friday denied the application of Walt Disney Productions, Ltd., to dismiss a $300,000 damage suit brought against it and RCA Mfg. Co. by Adriana Caselotti, the voice of Snow White in "Snow White and the Seven Dwarfs."

M-G-M Field Shifts

M-G-M has made the following shifts: Ralph Landsnaes, student booker, to booker at the Albany exchange; Kenneth Gilmore and Morris Zell, checkers in Kansas City and Washington, respectively, to checking supervisors in the same territories.

Production Unit Formed

ALBANY, Jan. 13.—Colbruck Productions, Inc., has filed incorporation papers with the Secretary of State. Belle Feldman, Jacob Soroka and Mignon Jauss are listed as directors.

RKO Board of 13 to 15 Now Seems Likely

RKO board of directors will be increased from the originally contemplated 11 members to a probable 13 to 15, it was indicated by H. C. Rickaby, counsel for Atlas Corp., proponent of the RKO reorganization plan, at the hearing before Federal Judge William Bondy last Friday.

Last-minute changes in the personnel of the new directorate, which were reported in MOTION PICTURE DAILY of Feb. 10, prevented submission of the list of directors to the court at Friday's hearing. As soon as the list has been completed it will be filed with the Federal court and notice published in the *N. Y. Law Journal*. This may occur within the next 10 days. Meanwhile, the next hearing on the reorganization proceedings was set for Feb. 27 by Judge Bondy. There is every reason to believe that the order confirming the RKO reorganization plan will be approved by the court at that time.

Although no explanation of the last-minute changes in the personnel of the new board was offered at Friday's hearing, it was reported that the insistence of Time, Inc., a large RKO creditor, and of the independent stockholders' committee for representation on the board brought about the delay and opened the possibility of having a board of more than 11 members.

Rickaby made the statement that "12 or 13 of the probable directors' names are well known" and then advanced the suggestion that in the event Atlas Corp. does not itself assume the underwriting of the $1,500,000 of new RKO stock, whatever firm does undertake the underwriting may ask for and merit representation on the board. Rickaby said that he had expected to have the completed list of directors' names in readiness for the court on Friday, but aside from stating that it "is not the fault of the lawyers that we haven't," he offered the court no explanation for the delay.

He informed the court that the holders of two-thirds of RKO's stock and two-thirds of its debentures, presumably referring to Atlas Corp., Lehman Bros., RCA and Rockefeller Center, "are in agreement" on their nominees for the board, but that other interests are not. Rickaby urged the court to confirm the plan on Friday without having received the names of the directors and their connections, and officers of the new RKO, but Judge Bondy, refusing, held that to do so would be an evasion of the Chandler Act. The court ruled that publication of the confirmation notice should be made prior to the Feb. 27 hearing and that on that date he would consider the earlier objections to the approval of the plan together with new objections before signing the order of confirmation.

Affirm Select Writ

Denial of an injunction against Select Attractions, Inc., Leo Malchin and Charles Swarzza, to restrain exhibition of the picture, "The Glory of Faith," was affirmed by the Appellate Division of the Supreme Court on Saturday.

RKO RADIO MEETS THE DAWN OF A NEW DAY WITH THE PROUDEST PRODUCT IN ITS HISTORY...

On the following pages a few of the big attractions that will highlight the COMING WEEKS... One after another... starting RIGHT NOW!...

Big shows that set the pace for the industry!...

HOLDOVERS FOLLOWING ONE ANOTHER AS FAST AS OPENINGS...AND EVERY NEW DATE A NEW DEMONSTRATION OF ITS TERRIFIC BOX-OFFICE POWER...NEW YORK, LOS ANGELES, MIAMI, CHICAGO, SAN FRANCISCO, BOSTON—EVERYWHERE THE BIGGEST MONEY PICTURE THE INDUSTRY HAS SEEN IN MONTHS...IT'S THE EXTENDED-RUN SENSATION THAT HITS THE PACE OF THE ALL-TIME TOP-MONEY SHOWS ON OPENING AND HOLDS THE STRIDE DAY BY DAY!

"Three cheers for 'Gunga Din'," shouts Kate Cameron in the N. Y. Daily News—summing up the tenor of the daily newspaper reviews all over the country.

"An achievement to make the industry proud...One of our truly great pictures," says Sam Shain, Editor Motion Picture Daily, echoing the opinion of the entire trade press!

GUNGA DIN

starring

CARY GRANT ★ VICTOR McLAGLEN
DOUGLAS FAIRBANKS, Jr.
with
SAM JAFFE ★ EDUARDO CIANNELLI ★ JOAN FONTAINE

PANDRO S. BERMAN IN CHARGE OF PRODUCTION
PRODUCED AND DIRECTED BY GEORGE STEVENS
From a Story by BEN HECHT and CHARLES MacARTHUR
Inspired by RUDYARD KIPLING'S Poem
Screen Play by Joel Sayre and Fred Guiol

NOW AT THE PEAK OF ITS NATIONAL PRESTIGE!

Word of its greatness is spreading around the country like wildfire . . . These New York notices keynote the acclaim of Coast to Coast critics for the first of this year's "Ten Best":

"A great show... has powerfully potent charm that cannot help but attract patronage."—*Kate Cameron, N. Y. Daily News* ..."A disarming and enchanting film... Story told with such warmth and such a sure sense of screen values that you will be making a mistake to miss it."—*Howard Barnes, N. Y. Herald-Tribune*..."A noteworthy picture... Has a simplicity which is endearing, and it builds up to a climax which reduces one to tears."—*Bland Johaneson, N. Y. Daily Mirror*..."A picture with its heart in the right place... Engaging performances lift it now and again into charm, pity and tenderness."—*B. R. C., New York Times*..."Like a breath of fresh air on a sultry evening... As fine and engrossing an entertainment as the screen has offered in months."—*William Boehnel, N. Y. World-Telegram* ..."A real picture—a tender, rollicking comedy with all the drama it needs. Might have been written originally with just its present cast in mind."—*Eileen Creelman, N. Y. Sun*..."Has both charm and humor... adroitly fashioned and thoroughly enjoyable... well worth seeing."—*Rose Pelswick, N. Y. Journal & American*..."Yesterday's premiere audience charmed... packs a wallopy appeal and divine sense of humor... Barrymore puts forth magnificent performance."—*Irene Thirer, N. Y. Post*

A MAN WITH A HOLE IN HIS PANTS... and two loyal kids... bring you priceless entertainment.

RADIO CITY MUSIC HALL ATTRACTION... NOW PLAYING FIRST RUNS COAST TO COAST



The GREAT John Barrymore

"THE GREAT MAN VOTES"

PETER HOLDEN · VIRGINIA WEIDLER · DONALD MacBRIDE · KATHARINE ALEXANDER

PANDRO S. BERMAN IN CHARGE OF PRODUCTION · DIRECTED BY GARSON KANIN · PRODUCED BY CLIFF REID · SCREEN PLAY BY JOHN TWIST



Irene Dunne, as Terry McKay, Park Avenue lady of leisure . . loving ease and luxury . . playing at life in the world's gay places! . . Charles Boyer, as the reckless, dashing, irresistible Michel Marnay . . international lover, carefree heartbreaker! . . these two — swept off their feet by a love that would not be denied! . . . .

What a situation for burning romance! — for drama, conflict, hope and heartbreak jewelled in settings of richness such as to arouse the secret dreams of every woman! . . What Box-office! . . Stars, Story, Director, Production Elegance — everything for big money!

Irene **DUNNE** ★ *Charles* **BOYER**

A LEO McCAREY PRODUCTION

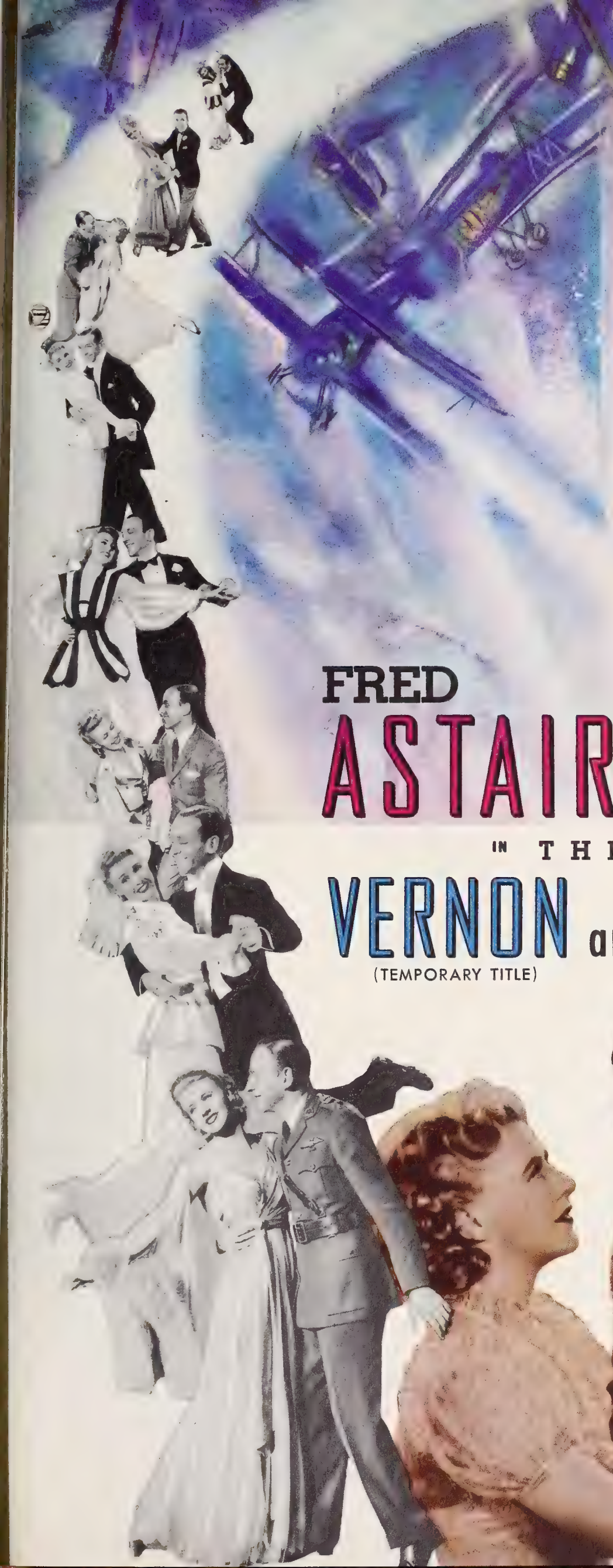
"LOVE AFFAIR"

with

MARIA OUSPENSKAYA
LEE BOWMAN
ASTRID ALLWYN
MAURICE MOSCOVICH

SCREEN PLAY BY DELMER DAVES AND DONALD OGDEN STEWART

DIRECTED BY LEO McCAREY



At last Fred and Ginger in a great DRAMATIC LOVE STORY!... portraying the lives of the glamorous couple who made dancing the great international pastime!... Irene, the fashion-plate girl who wore the first bobbed hair; Vernon, the Beau Brummel whose rhythmic feet were stilled in war-torn skies...Tender romance, high-hope, laughter, heart-throbs and fight against odds!... Fred and Ginger re-living the sensations of the first Castle Walk, the Tango, the Maxixe, the Texas Tommy!—the most thrilling dancing of the Astaire-Rogers careers—to the haunting hit melodies of the exciting times... All the glory that made the Castles the most talked-of figures of their brilliant day make this THE BIG STANDOUT SHOW FOR TOP GROSSES THIS YEAR!

FRED ASTAIRE ★ GINGER ROGERS

IN THE STORY OF

VERNON and IRENE CASTLE

(TEMPORARY TITLE)

with

EDNA MAE OLIVER
WALTER BRENNAN
LEW FIELDS • ETIENNE GIRARDOT
JANET BEECHER

PANDRO S. BERMAN IN CHARGE OF PRODUCTION

DIRECTED BY
H. C. POTTER

ASSOCIATE PRODUCER
GEORGE HAIGHT



THE SKY'S HEADLINE HERO SOARS TO SCREEN STARDOM

Never in modern times has the imagination of the world been so quickened as it was by "Careless" Corrigan's greatest of all do-or-die deeds! . . . Overnight he became dear to the heart of every man, woman and child with a drop of red blood in his veins . . . Now he's on the screen, with his smile, his "crate," his life, his flight — woven into a drama of such excitement, such speed and thrill and ready exploitability as to stamp this great picture THE NUMBER ONE SHOW SENSATION OF THE SEASON!



DOUGLAS {Wrong Way} CORRIGAN

in

"THE FLYING IRISHMAN"

Ginger ROGERS ... LITTLE MOTHER



With production completed on the Astaire-Rogers "Castles" show, Ginger begins work on her greatest straight dramatic role since "Stage Door."... Here she has a stage play full of emotional fire . . . A romance rich in heart-hitting situations and bristling dialog! . . . The story of a girl with too much loveliness! . . . and too little love! . . . a girl who dared to face the guns of scandal with another woman's baby in her arms! . . . An exciting change of pace for Ginger . . . another big show coming up for YOU!

RKO Radio is ready!..Look at the product!..Never before has there been like privilege in this industry of bringing to the screen so many fine pictures in so short a time as will bear the RKO Radio trade-mark during the coming weeks.. And that's only the beginning of the new day!..That's why RKO Radio is shouting—

WE'RE GOING PLACES!

RKO RADIO PICTURES

GEORGE SCHAEFER DRIVE

JAN. 28..JUNE 2

'Delight' Is Big $36,200, Los Angeles

LOS ANGELES, Feb. 13.—"Idiot's Delight," paired with "While New York Sleeps," was the leader here, taking $36,200 at the Chinese and Loew's State, $16,800 at the former and $19,400 at the latter.

"Gunga Din" continued strong in its second week, with $15,700 at the Hillstreet and $15,100 at the Pantages.

Estimated takings for the week ending Feb. 8:

"Idiot's Delight" (M-G-M)
"While New York Sleeps" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $16,800. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 6th week. Gross: $5,800. (Average, $3,250)
"Gunga Din" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $15,700. (Average, $6,500)
"Idiot's Delight" (M-G-M)
"While New York Sleeps" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $19,400. (Average, $14,000)
"Gunga Din" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $15,100. (Average, $7,000)
"Zaza" (Para.)
PARAMOUNT—(3,595) (30c-65c) 5 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $10,500. (Average, $18,000)
"They Made Me a Criminal" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $10,400. (Average, $14,000)
"They Made Me a Criminal" (W. B.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days, 2nd week. Gross: $12,500. (Average, $12,000)

'Gunga Din' High Denver Take with Gross of $13,700

DENVER, Feb. 13.—"Gunga Din" was very strong here, grossing $13,700 at the Orpheum. "Jesse James," in its second week at the Aladdin, was good for $5,000, and "Paris Honeymoon" drew a good $8,700 at the Denham.

Estimated takings for the week ending Feb. 8:

"Jesse James" (U. A.)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $5,000. (Average, $3,500)
"Idiot's Delight" (M-G-M)
"Vacation From Love" (M-G-M)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"Paris Honeymoon" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $8,700. (Average, $6,000)
"The Duke of West Point" (U. A.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $7,000. (Average, $8,500)
"Gunga Din" (RKO)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $13,700. (Average, $8,000)
"There's That Woman Again" (Col.)
"Smashing the Spy Ring" (Col.)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Kentucky" (20th-Fox)
"Adventure in the Sahara" (Col.)
RIALTO—(878) (25c-40c), 7 days, "Kentucky," 3rd week. Gross: $2,000. (Average, $1,750)

Col. Purchases Novel

Columbia has purchased the screen rights to "The Tree of Liberty," a new historical novel of America, to be published Feb. 27 by Farrar & Rinehart. Elizabeth Page, the author, is said to have worked five years on the novel, which covers the period in American history from 1754 to 1808.

Out Hollywood Way

HOLLYWOOD, Feb. 13.—BOB BURNS will portray the role of the famed "Casey Jones," based on the traditional railroad men's song. JULIEN JOSEPHSON will write the screenplay and GEORGE ARTHUR will produce the Paramount picture . . . Based on a recent "America Marches On" program, "Mr. Martin Comes Home," will be produced by Warners as a two-reel patriotic short subject. IRENE RICH, JOHN LITEL and GABRIEL DELL will have the leading roles . . . CLARENCE MUSE, Negro singer and actor, and LANGSTON HUGHES, colored poet and writer, have been signed by SOL LESSER to prepare music and story for "Way Down South," which will be a BOBBY BREEN vehicle. BERNARD VORHAUS, who will direct it, also is preparing for "Snow Train," to be an IRENE DARE vehicle to be produced by LESSER.

✚

M-G-M is preparing to do remakes of "Within the Law" and "Penthouse." RUTH HUSSEY will have the top role in the former, and WALTER PIDGEON, VIRGINIA BRUCE and LEO CARRILLO go into the latter . . . JEAN ARTHUR has been signed for the feminine lead of "Mr. Smith Goes to Washington," at Columbia. FRANK CAPRA will produce and direct from the SIDNEY BUCHMAN script . . . HARRY SHERMAN was injured during a fall from his bicycle. Thirty-five stitches were taken in his scalp, and he suffered a dislocated shoulder.

Casting—DONALD O'CONNOR to "Campus Dormitory," Paramount . . . JOHN CARROLL, PAT FLAHERTY, CHARLES MOORE and MELISSA SIERRA have been added to the Columbia film, "Plane No. 4," to star JEAN ARTHUR and CARY GRANT . . . HARRY BAILEY, EDWARD EARLE, WILLIAM ARNOLD and HARRY STRONG have been cast in Columbia's new serial, "Flying G-Men," which features ROBERT PAIGE, RICHARD FISKE, JAMES CRAIG and LORNA GRAY.

✚

RUTH HUSSEY, PAUL CAVANAUGH, SIDNEY BLACKMER, JOHN KING, RITA JOHNSON, PAUL KELLY, WILLIAM GARGAN, LYNNE CARVER, SAMUEL HINDS, added to "Within the Law" at M-G-M . . . The same company has cast FRANCES MERCER, HERBERT MUNDIN, FRANK M. THOMAS, EDWARD BROPHY and TOM KENNEDY in "Penthouse." . . . "Ice Follies of 1939" has added LEWIS STONE, BESS EHRHARDT, LIONEL STANDER, CHARLES D. BROWN, TRUMAN BRADLEY . . . LORAINE JOHNSON has joined the cast of "Dr. Kildare's Mistake," M-G-M.

✚

BETTY BLYTHE added to "Captain Fury," Hal Roach film . . . MILES MANDER and CECIL KALIOWAY in "Wuthering Heights," Samuel Goldwyn picture . . . JOAN BENNETT and WARREN WILLIAM cast in "The Man in the Iron Mask," Edward Small production.

New York Preview

". . . one-third of a nation. . ."

(*Orlob-Paramount*)

". . .one-third of a nation. . ." poses a social problem which faces the country. This problem is presented bluntly and with considerable vigor. But the film's structure is scarcely that of a dramatic photoplay.

Taking its cue, as did the WPA Theatre play, from which it is derived, from President Roosevelt's speech about the underprivileged, the film depicts the filth, the low moral standards and the fire danger which lurk in obsolete dwellings. It is told, however, episodically, with little emotional appeal and only the thinnest of plots. Whatever its appeal as a social document—and the picture's subject presents a direct challenge which almost certainly will attract considerable comment from the press—as entertainment, it offers little.

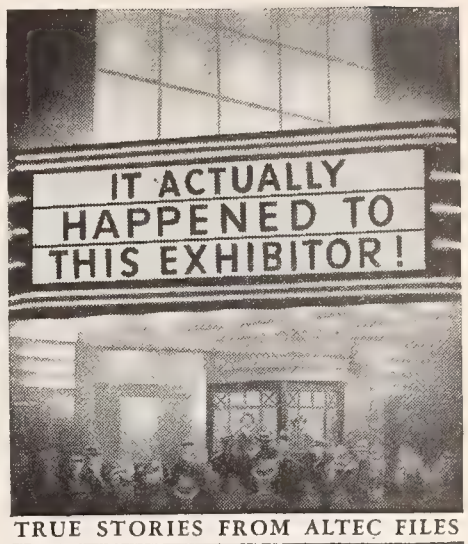
The story deals with the efforts of Sylvia Sidney, a tenant of the slums, to induce her landlord, Leif Erikson, to tear down old houses and build new ones. Her brother, Sidney Lumet, is crippled as a result of a fire. Erikson, without knowing that he owns the building where the fire occurred, undertakes the hospitalization of the lad. When he learns that he is the owner, however, he decides to remedy tenant conditions. In this effort he is blocked by his sister, Muriel Hutchinson, and his business manager, Percy Waram. A second fire, in which the boy dies, decides the issue and the picture ends with Erikson tearing down the old houses and building new ones.

The boy's hatred for the slums is personalized in interesting fashion when he speaks to the house and the latter's answers in human fashion. It is unfortunate that most of the dialogue is given over to explanatory speeches of the economic problems involved. The film, by virtue of its novelty, should draw in the first runs of the larger cities. Whether it will draw in other houses is questionable.

Myron McCormick is well cast in one of the supporting roles, as the "leftist" friend of Miss Sidney. Harold Orlob produced, Dudley Murphy directed and Oliver H. P. Garrett wrote the screenplay.

Running time, 76 minutes. "A."*

*"A" denotes adult classification.



TRUE STORIES FROM ALTEC FILES



NAT M. WILLIAMS,
General Manager of the Interstate Enterprises Thomasville, Ga.

Survey Prevents Serious Blaze in Theatre in South

THOMASVILLE, GA.—"Not satisfied with making his regular inspections of the sound equipment in our theatres, our Altec inspector, L. W. McClung, took it upon himself to make all our people 'fire-extinguisher conscious.' He personally made a survey of extinguishers in the Rose, Mode and Ritz in Thomasville, the Pine in Pelham, Ga., the Ilex, in Quitman, Ga., and the Shaw and Roxy in Quincy, Fla.," said Nat. M. Williams, General Manager, Interstate Enterprises.

"Within less than a week after McClung made his survey, we had a fire in the Shaw Theatre, at Quincy, Fla. The fire was put under control with a minor loss, but if McClung hadn't made that survey, it could have resulted in a serious property loss, to say nothing of the possibility of panic among the patrons.

"What the Altec man did wasn't part of his work, but such extra and unsolicited service certainly makes for an exhibitor's peace of mind."

• • •

The *regular* inspections of an Altec Service inspector guard your theatre against *emergency* breakdowns. Without obligation, let the Altec inspector in your locality explain the advantages of an Altec Service Agreement. Write to—

ALTEC
SERVICE CORPORATION

250 West 57th Street, New York City

THE SERVICE ORGANIZATION
OF THE MOTION PICTURE INDUSTRY

Pope Memorialized By All Networks in Special Broadcasts

Special programs and prayers in memory of Pope Pius XI were broadcast by the networks and all local independent stations following receipt of word of the death of the Pontiff, which was flashed on the air first by NBC at 11:41 P. M., Thursday. CBS and Mutual followed NBC's flash by six minutes.

At 12:20 A. M., Friday, NBC got first word out of Rome by presenting Philips R. McKenzie, who described the scene in the Eternal City. At 8 A. M., Friday, NBC broadcast another program from Rome, with Msgr. Ralph Hayes. Rector of the American College in Rome, calling upon the world for universal prayer. At 10:30 A. M. the network presented the Vatican City station on the air with the first official announcement describing the circumstances of the Pope's death. At noon MacKenzie was again presented from Rome; at 7 P. M. a special program presenting three archbishops, Edward Mooney of Detroit; Amleto Cicognani of Vatican City and John J. Mitty of San Francisco. On Saturday NBC presented Bishop Emmet Walsh of Charleston, and later during the day Cardinals Mundelein and Dougherty, followed by Msgr. Fulton J. Sheen and the Most Reverend Michael J. Curley, Archbishop of Baltimore and Chancellor of Catholic University. At intervals throughout Sunday and Monday NBC maintained a comparable schedule to the above.

Papal Legate on CBS

CBS presented, among others, Papal Legate Archbishop Cigonani; a musical tribute by the CBS Symphony; Secretary Wallace and Bernard Baruch in addresses from Washington; and addresses from various newspaper correspondents from Rome, including Cecil Brown of INS and Renaldo Cortezi of the *New York Times* Rome Bureau.

Presented over Mutual throughout the weekend were Archbishop Amleto, Bishop Stephen J. Donahue, Alfred E. Smith, and others.

On Saturday from 2:15 to 2:30 P. M. WOR-Mutual had a special broadcast from the *Rex*, as Cardinals George Mundelein, William O'Connell and Dennis Dougherty left for the Papal elections at Rome.

Radio Personals

DANNY DANKER of the Hollywood J. Walter Thompson office and Lou Silvers, musical director of 20th Century-Fox, left for the coast Saturday on the *Century* after spending 10 days in New York . . . Henri Diamant-Berger, French broadcasting official and former motion picture director, who has been here for several months recording the American scene for broadcasting via transcriptions in France, sailed for Europe on Saturday on the *Queen Mary*.

Committee to Rule Radio Critics Circle

Radio Critics Circle, meeting Friday at the Edison, decided not to elect officers. The group, consisting of film commentators on the air, will be governed by an executive committee of three, with one member withdrawing and a new one named every two months.

Present governing committee consists of Gene King, WEVD; Sam Taylor, WHN, and Sidney Kaufman, WQXR. Kaufman is also chairman.

Next Friday's meeting will be at Station WNEW. The group plans to announce an award for outstanding service.

Ralston Will Replace Mix with 'Insiders'

Ralston Purina Co. is cancelling the Tom Mix series it has been presenting on NBC for the past several years. The show will leave the air March 24, but prior to its leavetaking, Ralston Purina will replace it with a new series titled "Inside Stories." Latter will bow in March 7 and will be heard Tuesdays at 8 P. M. on the Blue.

WMCA broadcast an interfaith memorial to the Pope Saturday from 8 to 8:30 P. M. The Catholic tribute was presented by the Rev. Dominick J. Fiorentino, pastor of St. Dominick's Church. Dr. David B. De Solapoole, Rabbi of the Portuguese Synagogue in New York, represented the Jewish people in their memorial tribute, while the Protestant tribute was delivered by Dr. Christian F. Reisner of the Broadway Temple Church.



AFRA Code Effective

American Federation of Radio Artists fair code and wage scale went into effect at 12:01 A. M. Sunday morning, with over 50 major agencies.

Agencies which got their contracts to A.F.R.A. just in time to make the deadline include Young & Rubicam, Batten, Barton, Durstine & Osborne, Erwin-Wasey and McCann-Erickson.

Compromise Seen in Studio Union Dispute

HOLLYWOOD, Feb. 13.—Negotiations are under way toward a compromise under which I. A. T. S. E.'s minority faction headed by Jeff Kibre would withdraw changes of company unionism against international officers of the I. A. and producers in the N. L. R. B. proceedings. Kibre is said to be seeking a bargaining contract for four I. A. T. S. E. locals covering wages and hours as well as maintaining all the other benefits of the basic studio labor agreement from which the I. A. withdrew.

'Mamlock' Is Banned By Providence Board

"Professor Mamlock," Soviet film distributed in this country by Amkino Corp., has been banned in Providence. The picture was rejected a week ago by the Inspector of Entertainment in that city but after protests, Amkino was granted permission to show the film before the Board of Commissioners which, however, upheld the inspector.

"Professor Mamlock" recently was bound in Chicago and the entire state of Ohio but after legal action the ban was lifted.

Boris Morros Sails to Confer with Siritzky

Boris Morros sailed Friday on the *Queen Mary* for Paris to confer with Leon Siritzki, his associate in a new company which plans to distribute French films here.

Morros intends to select a number of films, including some which would be suitable for remake in Hollywood. Siritzki, who is interested in Paris theatres and production, was expected to come here, but plans were changed.

Morros expects to leave France on the *Queen Mary* Feb. 18.

WHKC Starts Forum

COLUMBUS, O., Feb. 13.—KHKC, local Mutual affiliate, has inaugurated a legislative forum, to be aired by R. S. French, production manager, from 7:45 to 8 P. M.

Television Unit Formed

ALBANY, Jan. 13.—United Television and Appliance Corp. has been incorporated here with Rose Meyer, Naomi Grunes and Sylvia Teidor as directors.

Novarro in Mexico

MEXICO CITY, Feb. 13.—Ramon Novarro is reportedly arranging to organize a picture production company here for making films in Spanish. He is to do most of his own directing.

B&K Suit Hearings Put Off to March 7

CHICAGO, Feb. 13.—Hearing on all pending motions in the independents' suit against B. & K. and major companies has been postponed by Federal Judge Wilkerson to March 7, at which time prior proceedings will be reviewed and future action outlined. Taking of depositions was postponed until after the hearing date because of the illness of Joseph Rosenberg, plaintiff's attorney. The Government contempt action against B. & K. and the majors will be heard by Federal Judge Woodward on Friday.

Notables at Miami See 'Stagecoach' Open

MIAMI BEACH, Feb. 13.—The opening of "Stagecoach" at the Lincoln Friday night brought out a large audience of celebrities and socialites. Fred Beebe staged a rodeo in front of the theatre which attracted a crowd of 5,000 and which was put on the air. Among the celebrities and socialites in the audience were Nicholas M. Schenck, Mr. and Mrs. Damon Runyon, George Ade, Mr. and Mrs. Paul Ames, Leah Ray, Leo Spitz, Eddie Saunders, Barney Balaban, Mr. and Mrs. Sailing Baruch, Abe Hallow, Mr. and Mrs. Mitchell Wolfson, Major Albert Warner, Sheila Barrett, Abe Lyman, Joseph E. Widener, Mr. and Mrs. P. A. B. Widener, Veloz and Yolanda, Stroud Twins, Mr. and Mrs. Sidney Meyer, Cross and Dunn, Barry Devine, Joe E. Lewis, Hy Gardner, Joan Abbott, Raye and Naldi, Sonny Werblin, Reinald Werrenrath, Meyer Schine, William Danforth, John Fisher and Frank Stearn.

Committee Named as Fair Temple Sponsors

Among those serving on a laymen's sponsoring committee appointed by Mayor F. H. LaGuardia for the Temple of Religion at the World's Fair are Frank C. Walker, vice-president of the Comerford circuit; David Sarnoff, Mrs. William S. Paley, Herbert Bayard Swope, Stephen P. Callaghan, Henry R. Luce, Arthur A. Ballantine, Frank Vanderlip, Grover A. Whalen and William J. Donovan.

Robert Hage Is Dead

Funeral services were held on Saturday for Robert Hage, former member of the editorial staff of MOTION PICTURE DAILY and the old *Motion Picture News*. Hage died Feb. 9 after being stricken with pneumonia. He was 51 years old and resided at Bogota, N. J. He was an editorial employe of a Bergen, N. J., newspaper at the time of his death and had been employed on Chicago newspapers and the *N. Y. Sun*. He was also a publicity man for the old First National Pictures and for Universal for a time.

Hold Imhof Rites

Funeral services were held in Milwaukee on Saturday for the father of Joseph H. Imhof, M-G-M office manager there. He died Wednesday.

John Dembeck, father of John Dembeck, Jr., M-G-M booker in Detroit, died Friday.



Why

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It is because you can see it better, of course. In the stronger light you can see more clearly the details of pattern and construction. In daylight you see its true color.

This simple illustration explains the favorable reaction of patrons to High Intensity projection, now found in more than one third of the theaters in this country. This stronger, snow white light enables patrons to see all pictures more clearly and color features in more accurate hues than is possible with low intensity projection.

Simplified High Intensity projection gives two to three times as much light on the projection screen as low intensity. Yet it costs so little more that one extra admission per show will pay the difference. Ask your dealer's salesman to show you the book, "Yes—But What Will It Cost?"

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DRAMA WITH THE IMPACT OF A BLAZING AUTOMATIC!

MY SON IS A CRIMINAL

ALAN BAXTER • JACQUELINE WELLS • GORDON OLIVER • WILLARD ROBERTSON

Screen play by Arthur T. Horman • Directed by C. C. Coleman, Jr. • *A Columbia Picture*

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Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 31 NEW YORK, WEDNESDAY, FEBRUARY 15, 1939 TEN CENTS

Companies to Ask Rehearing In Dallas Case

Outlawing of Clearance Is Seen Possible

That major distributors and Interstate Circuit will petition the U. S. Supreme Court for a reargument of the Dallas anti-trust case appeared certain yesterday as film attorneys read implications in the high court's decisions which they believed might revolutionize industry production, distribution and exhibition practices.

Among the possible results of the court's majority opinion, some attorneys hold, is the outlawing of clearance between theatres. A first study of Justice Stone's ruling at a meeting of industry attorneys yesterday developed the impression that if the court, as may be the case, ruled that distributors cannot legally enter into any agreement with one exhibitor which affects the operations of another, clearance might easily be included within the scope of the decision. Obviously, without clearance, the entire distribution, exhibition and price structure of the industry collapses.

Decision Far Reaching

All attorneys were agreed that the Supreme Court decision goes far beyond the considerations involved in the Interstate (Paramount) case itself, which is the right of a distributor and exhibitor to contract to show certain pictures at a designated minimum admission in a first run which will not be shown below other designated scales in a second run, or on a double feature program.

A majority of attorneys indicated that a rehearing effort is advisable, as well, because of the emphatic tone of the court's dissenting opinion, which held that the majority ruling was "unjustified." Attorneys also favor a re-

(*Continued on page 3*)

Fleming to Direct 'Gone With the Wind'

HOLLYWOOD, Feb. 14.—Victor Fleming has been borrowed from M-G-M by Selznick International to replace George Cukor as director of "Gone With the Wind." Cukor will work with Fleming for a week to familiarize him with the material.

Cukor early this week withdrew from the film as a result of differences of opinion on several points in the story.

To Exempt Theatres From NY Chain Bill

Albany, Feb. 14.—Apprised by *Motion Picture Daily* that his chain store bill also apparently affected theatre circuits, Assemblyman Louis Bennett today declared he had no intention striking at them. Viewing the definition of the "stores" section, Bennett said his intention was merely to protect small merchants from the inroads of chain store competition.

Bennett informed *Motion Picture Daily* an amendment eliminating theatres from provisions of the article will be forthcoming. The bill sets license fees on multiple stores.

Air Will Continue Without Picture Stars, Says Royal

By JACK BANNER

Radio will be found at the same old stand doing business in the same old way following the withdrawal of the last motion picture player from the air, is the way that John Royal, NBC vice-president in charge of programs, views the current Hollywood agitation against allowing further appearances of screen players on the air.

There wasn't any spleen in the way Royal made that statement. In fact, he acknowledged that screen stars have helped make the airways attractive, but nonetheless he made it clear that he feels radio will be able to carry on without serious damage to its programs or audience if the worst happens and Hollywood permanently bars film stars from working on the air.

No Showdown Seen

Neither is the current agitation the showdown between radio and Hollywood that some sources believe it to be, in the opinion of Royal, who doesn't believe such a showdown ever will arrive because none is called for

(*Continued on page 3*)

Schaefer and Wilcox Leave for New York

HOLLYWOOD, Feb. 14.—George J. Schaefer, president of RKO, left by train for New York tonight after several weeks here conferring on production. He is accompanied by Herbert Wilcox, British producer, who was here to line up production on his next film for RKO.

ALLIED MAY QUIT PACT DEALINGS ON DAKOTA RULING

Myers Hints at Protest Action on Divorcemen Repeal; Justice Department Interested; New Bill Offered in Missouri

By SHERWIN A. KANE

An intimation that Allied States may withdraw from the industry's current trade practice negotiations by way of retaliation for the efforts to repeal the North Dakota affiliated theatre divorcement law was given by Abram F. Myers, chairman of the board and general counsel of Allied, in Washington yesterday.

Meanwhile, the Department of Justice has interested itself in the North Dakota legislature's action in voting for repeal of the divorcement law last weekend, it was revealed at Bismarck yesterday by Oscar Hagen, speaker of the house, who last Saturday branded the adoption of the repeal measure within a week after its introduction as "peculiar."

Hagen withheld his signature from the repeal bill yesterday with the explanation that he had been informed that Department of Justice investigators "are here inquiring into the situation." In addition, a house resolution urging Governor John Moses to veto the repeal bill was "allowed to rest," pending developments after having been favorably reported by the judiciary committee at Bismarck yesterday. R. R. Scholl, author of the resolution, asked the house to withhold action on it for the time being.



Abram Myers

May Renew "Fight"

Myers, in his Washington statement, attributed the North Dakota divorcement law repeal move to affiliated company interests.

"That and other activities behind our backs," he said, "while we have been engaged in the trade practice negotiations make us wonder whether we had better not cage the dove of peace and renew the fight. We are not well enough manned to cover both fronts and it will have to be one or the other."

In reply to the Allied leader's statement it was pointed out in some trade quarters that the resolution adopted by Allied's board of directors at its Washington meeting last month re-

(*Continued on page 3*)

Open Hearing in British Acoustics Action on Patents

WILMINGTON, Feb. 14.—Improved projector film feed mechanism involved in the patent infringement suit brought by British Acoustics Films against RCA and Erpi, was described by Paul Kolisch, counsel for the plaintiff, as the hearing opened before Judge John P. Nields in district court here today.

The plaintiff asks an injunction restraining RCA and Erpi from use of the device for feeding film through the projector at constant speed. Kolisch explained the function of the mechanism embodying patent improvements, which he said the plaintiff was granted in 1926 and 1935. It is charged the sound apparatus of RCA and Erpi use inventions on which the plaintiff is said to hold patents.

British Acoustics, wholly owned subsidiary of Gaumont British, asks a perpetual injunction and damages. Merrel E. Clark outlined the defendants' case as the hearing adjourned.

Buffalo Bill for Para.

HOLLYWOOD, Feb. 14.—Harry Sherman, producing for Paramount release, will make a film on the exploits of Buffalo Bill. He has purchased two stories from Capt. Frank Winch, long associated with the Indian fighter. Harrison Jacobs is doing the script.

Purely Personal

MARJORIE FORD, OSCAR DOOB, MORT SPRING, LOU IRWIN and DAVE BLUM at Sardi's yesterday for lunch.

•

JOHN LODGE returns today on the *Champlain* with MRS. LODGE (FRANCESCO BRAGIOTTI) and their two children. They will return to France in two weeks, where LODGE has film commitments.

•

WILLIAM F. RODGERS, general sales manager of M-G-M, was fighting the grippe yesterday.

•

TYREE DILLARD, Loew attorney, returned to work yesterday, having recovered from the flu.

•

SI SEADLER leaves for the coast Friday. He will be gone three weeks.

•

JOSEPH R. KLECKNER, president of Motiograph, is here from Chicago. HERBERT (TEX) RICKARD, advertising director for the company, has returned to Chicago.

•

OSCAR MICHEAUX has started direction of the first of three features at the Biograph Studios, with NELSON H. MINNERLY in charge of recording.

•

MORT BLUMENSTOCK, eastern advertising and publicity head for Warner's, suffered a broken ankle over the weekend.

•

FRANK DREW, M-G-M manager in Cleveland, leaves this week with MRS. DREW for two weeks in Florida.

•

EDWARD H. GRIFFITH, Paramount director, has returned to the coast.

•

FRANK MCKEOWN and HAROLD KEITTLE, Detroit and Dallas branch managers for Ross Federal, and HAROLD LUND, Pittsburgh, eastern district supervisor, were home office visitors.

•

DENSMORE A. ROSS, general manager, Ross Federal Service, is vacationing in Miami. FRANK X. MISKE, controller, has left for a two-week West Indies cruise.

YOU CAN BE IN
LOS ANGELES
TOMORROW MORNING
VIA
Flagship Skysleeper
★ Fly the only Southern Sunshine Route—favored by nature. No change of planes. Delicious, complimentary meals. Fare: $149.95; 10% saving on round trips.

The MERCURY	The SOUTHERNER
Lv.....5:10 p.m.	Lv.....10:45 p.m.
Ar.....8:49 a.m.	Ar..... 3:22 p.m.

FOR RESERVATIONS
Call your travel agent or VAnderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave. and Rockefeller Center, 18 W. 49th St.
AMERICAN AIRLINES Inc.
THE AMERICAN STANDARD OF SERVICE

Insiders' Outlook

By SAM SHAIN

WE would not be astonished if the Government were not as much surprised by the fact that the U. S. Supreme Court decided in its favor in the Dallas copyright case as the Dallas people and the major companies were in finding that the verdict was against them. It was a close call, in our opinion, for both sides.

▼ ▼

Let us tell you that Darryl Zanuck was never more sincere about anything than he is at this time about taking film stars off the air.

▼ ▼

So they don't want double features?

So they don't like long shows?

Well, Harry MacDonald, manager of the RKO Albee in Providence, experienced a tumultuous night finding out the answer, about a week ago. It was during the week ending Feb. 1, when the Albee was showing a double bill, comprising "It Happened One Night" and "Mr. Deeds Goes to Town."

On the closing night of that program the house also presented a spelling bee, a weekly event, in conjunction with a broadcast. The last show started at 5:38 P. M. with "It Happened One Night." Altogether the show ran until 8:50 P. M. and customers who had come in after 7 o'clock, therefore, waged a sitdown in the house, according to report, when the show closed at 10:45 and they had not had the opportunity of seeing "It Happened One Night."

MacDonald had to show the film, but we are not sure whether he found the right answer.

▼ ▼

We like the modesty of Maurice Silverstone, operating head of United Artists who, when informed by his publicity department that the press had been invited to interview him upon arrival from the Coast on Sunday morning, wired the department head not to trouble the newspapers on that morning, Lincoln's Birthday. Silverstone felt that many of the boys would prefer to have the holiday to themselves, rather than to get up early to meet the train. Also, since it was a holiday, the newspapers might be short-handed at that early hour, and he preferred not to cause them inconvenience.

▼ ▼

Some of those who have been privileged to participate in the trade practice conferences have handled their responsibilities carelessly. Certain things which have been done are such as to suggest a deliberate and premeditated attempt to sabotage the self-regulation plans.

Confidences have been violated and it has done the business no good. Constructive action by those who were sincere in giving their time and devoting their efforts to industry reforms has been discouraged.

Individuals on both sides may be at fault. We are not taking sides. However, we do see the spark of impatience crackling in Abram Myers' statement made in Washington, yesterday. He may be right or he may be wrong—but that is something else, again.

He implies strongly that Allied is prepared to walk out on the trade practice conferences. Perhaps Myers knows things others do not know. Does he mean that the dead end of the self-regulation road has been reached?

This possible implication is bolstered by the fact that Allied's board, some weeks ago, resolved to go ahead with its corrective legislation, regardless.

The Newsreel Parade

The death of Pope Pius is the leading event in the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 45—Pope Pius passes. Cardinals leave United States to attend rites. Fire on oil tanker. Medals awarded by Mussolini. Pursuit plane crashes. Ceremony on Nile. Ambassador Kennedy sails. Benes welcomed to New York. Skating fashions. Lew Lehr. Winter carnival. Skating at Saranac Lake.

NEWS OF THE DAY, No. 243—Millions mourn Pope. Cardinals sail for Rome. Tanker burns off Rhode Island coast. Plows clear snow-bound highways. Benes arrives in New York. Justice Brandeis resigns. Beauty contest. Dartmouth winter carnival. Gymnastics.

PARAMOUNT NEWS, No. 56—Pope Pius dies in Vatican City. U. S. Cardinals leave for Rome. Snow drifts block traffic. Coast guard rescues tanker crew. Secret bomber crashes. Flood in England. Ski champ arrives from Austria. Winter sports carnival.

RKO PATHE NEWS, No. 60—World mourns death of Pope Pius. Mayor LaGuardia greets Benes. Avalanche in Utah. President urges Florida canal project. Winter carnival at Dartmouth. Scientist defies gravity. Notre Dame vs. N. Y. U. basketball game.

UNIVERSAL NEWSREEL, No. 749—U. S. Cardinals sail for Rome. Fire destroys oil tanker. Army pursuit plane crashes. Benes arrives in New York. Minister of Brazil arrives in Jersey City. Huge snow drifts in Oregon. Snow slide in Utah. Lion quintuplets in Rochester. Hat styles. Ice skating races.

Regents to Review Warner Film Today

ALBANY, Feb. 14.—Three members of the Board of Regents tomorrow in New York will see Warners' "Yes, My Darling Daughter" and "The Puritan," a French production released here by Lenauer International, for the purpose of reviewing a decision of Irwin Esmond, chief censor, who banned the films. Susan Brandeis, George J. Ryan and Gordon Knox Bell will hear the appeal.

The sub-committee of three will report their findings to the 12 members of Board of Regents at the monthly meeting on Feb. 24. In the past, it has been customary for the board to uphold the decision of the committee. Argument on the appeals probably will follow immediately after the screenings in order to have a final decision before the end of the month.

Warners, in an appeal from the banning of "Yes, My Darling Daughter," argued that dialogue modification would eliminate the objections to the picture. A brief submitted by Esmond cited the film for encouraging trial marriages.

The Virginia state censor board has passed the film in its entirety, with no cuts made.

$100,000 of Rogers Fund for Paralysis

Will Rogers Memorial Commission has allocated $100,000 of funds to be raised during the Will Rogers National Theatre Week in April to the National Infantile Paralysis Foundation. Major L. E. Thompson of RKO, chairman of the drive, stated that he expected that the number of participating theatres would be increased over last year's total of 6,019.

Today Major Thompson will outline his plans for the campaign to the heads of five major circuits and New York exhibitors. Tomorrow he presides at the Rockefeller Center Luncheon Club for distributors' sales managers. Friday he will be host to Will H. Hays and film trade paper publishers.

Rosenblatt to England

Sol A. Rosenblatt will sail on the *Queen Mary* Feb. 25 for England on a business trip.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Allied May Quit Pact Negotiation

(*Continued from page* 1)

dedicated Allied to a continuance of its legislative and court activities regardless of its participation in the trade practice negotiations and of their outcome.

"If that resolution can be interpreted as meaning that Allied had 'caged the dove of peace' or abandoned, even temporarily, its 'fight,' Myers' statement might have some meaning," one spokesman said. "First, however, one must assume that he is right in attributing the repeal move to the distributors. I don't believe that to be true."

Reaction of home offices and industry law firms to the North Dakota repeal move was varied. Some expressed satisfaction over the news; some disappointment, in that if repeal was consummated a test of the divorce legislation in the U. S. Supreme Court would probably be delayed for another two or three years. These saw repeal as no answer to the problems raised by divorce legislation, but merely a postponement of determination of its legal status. The former group saw repeal of the North Dakota law as making possible a test of divorcement legislation in some other state where existing theatre affiliations might offer a more favorable legal test for the interested production and distribution companies.

Bill Offered in Missouri

KANSAS CITY, Feb. 14.—An affiliated theatre divorcement bill has been introduced in the Missouri legislature by Representatives Turner and Smart of this city. The measure is the third to be introduced during the current legislative season, the bill in this state having been preceded by the introduction of similar measures in the Nebraska and Kansas legislatures.

The Missouri measure is almost identical to the Kansas bill. It would prohibit the operation or ownership of theatres by producer-distributors, and if enacted would become effective Jan. 1, 1940. The operator of a theatre would be required annually to file an affidavit with the secretary of state declaring that the theatre is not owned or controlled by such interests. Violation would be punishable by a fine of not more than $10,000 and one year imprisonment.

Similar Moves Predicted

Industry officials in New York commenting yesterday on the introduction of a theatre divorcement bill in the Missouri legislature, predicted that similar moves would be made in many other states during the next few weeks in the event the North Dakota divorce law is repealed.

It was pointed out that many states have had divorce legislation in readiness for introduction as soon as the U. S. Supreme Court ruled on the legality of the North Dakota statute, which it is scheduled to do this spring. Repeal of the North Dakota law would undoubtedly bring about the immediate introduction of the prepared bills, it was said.

Some of the states in which theatre divorcement legislation is believed to be waiting for introduction are Arkansas, Illinois, Massachusetts, Minnesota and Indiana.

'Little Foxes' Brings Plays' Total to 32

Opening tonight at the National of "The Little Foxes" brings the total of legitimate stage shows current on Broadway to 32. The latest offering, by Lillian Hellman, deals with the industrialization of the south at the turn of the century. Herman Shumlin produced and directed. Included in the cast are Tallulah Bankhead, Patricia Collinge, Frank Conroy, Charles Dingle, Lee Baker and others.

Will Seek Rehearing In Dallas Trust Case

(*Continued from page* 1)

hearing inasmuch as Justice Frankfurter, a new member of the court, did not participate in the hearing or the five to three decision.

Interstate Declines Comment

DALLAS Feb. 14.—Interstate Circuit officials declined to comment here today on the U. S. Supreme Court decision.

Col. H. A. Cole, president of Allied States, said that he was "gratified" and recalled that the Texas Allied organization instigated the suits.

"While my information is not definite," he said, "it is believed that each individual contract between circuits and any one distributor is illegal. The ramifications of that principle of law, if established, when applied to certain practices in our industry, notably clearance, should cause some thought among industry leaders."

Heartens Chicago Exhibitors

CHICAGO, Feb. 14.—Independent exhibitors here were heartened by the U. S. Supreme Court decision in the Dallas Interstate Circuit case in view of the anti-trust suit they have pending in Federal court here against B. & K. and the distributors. Counsel for the independents believe the decision will affect the local case. Counsel for the defendants think otherwise.

To Judge Exhibitor Quiz Entries Today

Entries in exhibitors' Motion Pictures' Greatest Year campaigns will be judged by a committee this afternoon following a luncheon at the Astor called for 12:30 o'clock. Winners of 15 prizes totaling $2,100 will be decided.

Judges include Will H. Hays, Martin Quigley, Jack Alicoate, Red Kann, Charles Lewis, Jay Emanuel, A-Mike Vogel and Roy Chartier.

Pollock to Coast Friday

Lou Pollock, Universal eastern advertising and publicity manager, leaves for the coast by plane Friday to confer with John Joseph, advertising and publicity director, on a special campaign for "Spirit of Culver." Picture may be re-titled prior to release. Pollock will return to New York Feb. 23. Sidney Davidson will be in charge of the eastern department during his absence.

Air Will Continue Without Film Stars

(*Continued from page* 1)

and because both industries have much to offer each other.

If Hollywood has made contributions to radio, radio in turn has done everything possible to help Hollywood, in Royal's opinion. He refers to the fact that numerous radio players have been used to good box-office advantage by Hollywood; the persistent mention that pictures receive on the air; and time that is granted gratis to Hollywood on many occasions.

Time to Hollywood

"Whenever an important picture opens in Hollywood or New York, radio puts the fanfare of the opening on the air, yet you don't find us doing a similar job when an important musical or dramatic show opens on Broadway," he said, and added, "For three years we presented Elza Shallert, a film critic, whose job was to plug Hollywood and its players and product."

"Has Hollywood ever presented anybody to boost radio?" he asked.

N. J. Allied Commends Zanuck

Allied of New Jersey members, meeting at the Lincoln yesterday, adopted a resolution commending Darryl F. Zanuck's action in withdrawing Tyrone Power from the air and his intention to keep other 20th Century-Fox stars from radio performances.

The luncheon meeting was well attended. George Gold of Newark, president, reported on the national Allied board meeting in Washington recently. The members applauded the U. S. Supreme Court decision in the Interstate circuit case. The first of Allied's planned series of patriotic trailers, produced by National Screen, was screened.

The next meeting will be an all-day session, including a luncheon, March 3, at Newark.

G.N. Gets 'Express'

HOLLYWOOD, Feb. 14. — Eugene Frenke today turned over the negative and prints of "Exile Express," starring Anna Sten, to Grand National, terminating a dispute over contracts for release arrangements.

Fiedlers Bankrupt

LOS ANGELES, Feb. 14.—Arthur and Richard Fiedler, former New York chemists, today filed in U. S. District Court here a petition in bankruptcy listing $598,180 liabilities and $100 assets. Several film companies and laboratories were listed as creditors.

Arthur Loew on Coast

HOLLYWOOD, Feb. 14.—Arthur M. Loew, vice-president of M-G-M in charge of foreign activities, and Laudy Lawrence, continental European manager, arrived today for several weeks of conferences. They are accompanied by their wives.

Col. Signs Frank Lloyd

HOLLYWOOD, Feb. 14.—Frank Lloyd has been engaged by Columbia as producer-director on "The Tree of Liberty," new American historical novel acquired by the company prior to publication.

Wage and Hour Bill Offered in Albany

ALBANY, Feb. 14.—A wage and hour bill designed to regulate industries in intrastate commerce has been introduced in the New York State legislature by Senator Philip Kleinfeld and Assemblyman Oscar Garcia-Rivera. The proposed law follows closely the Federal enactment and provides for a 25 cents per hour minimum up to October, 1939, 30 cents to October, 1941, 35 cents to October, 1943, and a 40-cent minimum thereafter.

Employment of children under 14 is forbidden. Employment between the ages of 14 to 18 is placed under the regulation of the Wage and Hour Administration. Effect on theatres is uncertain and would depend on a ruling for classification of theatres as a service industry.

Urge NY Sales Tax of 2%

ALBANY, Feb. 14.—Senator John McNaboe has introduced a bill urging a two per cent gross sales tax with nine-tenths of the proceeds to be turned back to municipalities.

Moore Is Shifted to Post in Pittsburgh

OKLAHOMA CITY, Feb. 14.—B. F. (Dinty) Moore, general manager of Standard Theatres here, has been transferred to Pittsburgh as general manager of Warners' 24 theatres there. He is due in Pittsburgh in about a week.

Standard Theatres include theatres pooled by Warners, Paramount and the Joseph Cooper interests. Moore will be succeeded here by Walter B. Shuttee, former general manager, who has been assisting Moore.

Leonard Schlesinger, Warner vice-president, is here from New York to effect the change. Moore will go to New York this week to confer with Joseph Bernhard, general manager of Warner theatres. He came to Oklahoma City last September from New York, where he was general manager of Warner N. Y. metropolitan theatres.

Missouri Bill Would Halt Standing Room

KANSAS CITY, Feb. 14.—Theatremen, supply houses and architects are watching the bill in the Missouri legislature, which would revise the rules governing theatre building, and would prohibit the sale of seats when there is only standing room.

An amendment to the statute on construction and arrangement of public buildings, the bill provides for a four-foot-wide aisle centrally located in a house over 20 feet wide.

Meet on Bills Friday

Discussion of the New York state legislative situation will be held at a meeting Friday afternoon called by Harry Brandt, president of the I. T. O. A. The meeting will be in Brandt's office in the Globe Theatre Building. Independent and affiliated circuit heads and attorneys have been invited.

To Remake "Disraeli"

HOLLYWOOD, Feb. 14.—Warners will remake "Disraeli" with Claude Rains in the title role originally played by George Arliss.

A man with
a long white
beard is writing
a new chapter
in motion picture
history!





"PYGMALION" SENSATION!

CRASH SOCIETY!

BEFORE

AFTER

8 out of 9 new York critics...call this wise and witty romance of a street girl who became a society beauty in ninety days ...one of the "10 Best Pictures of the Year!"

Any girl can do it. You need a man and a trunkful of clothes!

CHEERS!
"Not merely good, but practically perfect!" says Time Magazine.
•
"One of the swellest pictures ever made!" —Damon Runyon
•
"Don't miss it!" —Louella Parsons

LESLIE HOWARD in **BERNARD SHAW'S "PYGMALION"**

with Wendy HILLER & Wilfrid LAWSON · Marie LOHR · Scott SUNDERLAND
Screen Play and Dialogue by Bernard Shaw · Music by Arthur Honegger
Directed by Anthony Asquith and Leslie Howard · Produced by GABRIEL PASCAL

THEATRE

More than $150,000 in quarters and half-dollars from delighted movie fans in 11 amazing weeks at the Astor, and no let-up in sight!

"PYGMALION" IS A PROVEN SUCCESS NATIONWIDE and is coming to you soon from M-G-M!

The success of this down-to-earth comedy romance is phenomenal. Its progress has been watched with keenest interest by the entire industry. The mass audience appeal revealed by the Astor crowds was further emphasized by the cross-section of the public in all subsequent test engagements. Literally, its biggest business comes from the masses. It is in its 7th week at the Four Star Theatre, Los Angeles, and still packing them in. Dayton was chosen next as a typical American city and it beat "Good Earth", "Marie Antoinette", "Captains Courageous" and other big shows and was HELD OVER FOR 2nd GREAT WEEK! Miami and Miami Beach followed to prove equally successful and now its triumph has spread to Chicago, Cleveland, Pittsburgh, Cincinnati, Kansas City and Houston. Watch these and other cities as M-G-M's showmanship surprise hit continues on its record-breaking career.

'James' High With $15,000 In Twin Cities

MINNEAPOLIS, Feb. 14.—"Jesse James" was best comparative grosser in Minneapolis with a strong $10,000 at the State. "Cowboy and the Lady" at the Orpheum was runner-up with $5,000, while "Idiot's Delight" in its second week at the Century did a neat $4,500.

In St. Paul, "Jesse James" came through with a good $5,000 in its second week at the Orpheum.

Estimated takings for the week ending Feb. 9:

Minneapolis:

"Ride a Crooked Mile" (Para.)
"Newsboys' Home" (Univ.)
ASTER—(900) (15c-25c) 7 days. Gross: $2,000. (Average, $1,500)
"Idiot's Delight" (M-G-M)
CENTURY — (1,600) (25c-40c) 7 days. Gross: $4,500. (Average, $4,000)
"Girl Downstairs" (M-G-M)
GOPHER—(990) (25c-40c) 7 days. Gross: $3,000. (Average, $3,000)
"Cowboy and the Lady" (U. A.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $5,000. (Average, $4,800)
"Jesse James" (20th-Fox)
STATE—(2,300) (25c-40c) 7 days. Gross: $10,000. (Average, $4,400)
"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days. Gross: $3,000. (Average, $1,600)

St. Paul:

"Jesse James" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $3,200)
"Cowboy and the Lady" (U.A.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $4,400)
"There Goes My Heart" (U.A.)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,200. (Average, $2,000)
"Disbarred" (Para.)
"Comet Over Broadway" (W.B.)
"While New York Sleeps" (20th-Fox)
"Next Time I Marry" (RKO)
TOWER—(1,000) (25c) "Disbarred" and "Comet" 3 days. "New York Sleeps" and "Marry" 4 days. Gross: $1,600. (Average, $1,600)
"The Lady Vanishes" (G.B.)
WORLD—(400) (25c-35c) 7 days. Gross: $800. (Average, $700)

Dismiss Bennett Suit

Federal Judge John C. Knox has dismissed a $100,000 damage suit of Richard Bennett against the Westover Hotel, Inc., for alleged negligence, based on a finding that Bennett himself had caused his injuries, through his own negligence.

Now Available
"JUBILEE"
POPE PIUS EPIC
Full sound, six-reel feature, late Pontiff's life from birthplace to Vatican. English dialogue except that Pontiff speaks in Latin and Italian which is later translated. Catholic Legion endorsement. Never-before-shown rituals, processions, appearances, Sistine Choir.
Write — Wire — Phone
KING COLE FILM SERVICE
203 East 26th Street
New York City
LExington 2-9850

Theatre Clocks

Milwaukee, Feb. 14.—Because mothers complain that their children do not return from the theatre at designated times, Alderman John Kalupa proposes to amend the theatre licensing ordinance to make it mandatory that houses install an illuminated clock at least 15 inches in diameter.

'Wings of Navy' Good for $8,500 Milwaukee Gross

MILWAUKEE, Feb. 14.—"Wings of the Navy" proved the week's best grosser with $8,500 at the Warner. Second money went to "Honolulu" and "Vacation from Love," which grossed $7,800 at Fox's Palace.

"Jesse James" in its second week at the Wisconsin collected $8,000, while "The Last Warning," and vaudeville was good for $5,500 at the Riverside.

Estimated takings for the week ending Feb. 9:

"Grand Illusion" (M-G-M)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $4,000.
"Honolulu" (M-G-M)
"Vacation from Love" (M-G-M)
PALACE—(2,400) (35c-50c) 8 days. Gross: $7,800. (Average, $5,000)
"The Last Warning" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Vaudeville. Gross: $5,500. (Average, $5,000)
"They Made Me a Criminal" (W. B.)
"Going Places" (F. N.)
STRAND—(1,400) (35c-50c) 6 days. Gross: $3,000. (Average, $4,500)
"Wings of the Navy" (W. B.)
WARNER — (2,400) (35c-50c) 7 days. Gross: $8,500. (Average, $5,000)
"Jesse James" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days, 2nd week. Gross: $8,000. (Average, $8,000)

Akron's ITO Elects Ploenes President

AKRON, Feb. 14.—Al Ploenes has been elected president of the Akron Independent Theatre Owners Association, succeeding Robert C. Menches. Other officers elected were Park Belden, vice-president; R. C. Wahl, secretary-treasurer.

The organization voted to try to effect changes of policy, including pushing back the availability for 15-cent houses whenever the 25-cent and 20-cent houses are set back from the break date; elimination of five-cent children matinees on condition that first runs charge 15 cents for children matinees; elimination of the 10-cent early bird show.

Ten English Firms Defaulted on Quota

LONDON, Feb. 14.—Oliver Stanley, president of the Board of Trade, reported in the House of Commons that 10 distributors defaulted on their quota obligations during the year ended March 31, 1938, and 71 exhibitors in the year ended Sept. 30, 1938.

Stanley, under questioning, again declared that he is satisfied with the Films Act, claiming that so far great progress has been shown as a result of it in the production of good films.

'Honolulu' $12,000 In Providence Lull

PROVIDENCE, Feb. 14.—A dual of "Honolulu" and "Adventure in Sahara," led the field here, with $12,000 at Loew's State, in a week of generally slow grosses.

"The Son of Frankenstein" and "Torchy Blane in Chinatown" took $7,500 at the Majestic. The weather was favorable.

Estimated takings for the week ending Feb. 8-9:

"Honolulu" (M-G-M)
"Adventure in Sahara" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $12,000. (Average, $10,000)
"The Lady Vanishes" (G. B.)
"The Great Man Votes" (RKO)
RKO-ALBEE — (2,239) (25c-35c-50c) 7 days. Gross: $6,500. (Average, $6,000)
"The Son of Frankenstein" (Univ.)
"Torchy Blane in Chinatown" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,500. (Average, $7,000)
"St. Louis Blues" (Para.)
"Blondie" (Col.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $7,000. (Average, $7,000)
"Mr. Moto's Last Warning" (20th-Fox)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $6,500. (Average, $6,500)
"They Made Me a Criminal" (W. B.)
"Going Places" (W. B.)
CARLTON—(1,526) (25c-35c-50c) 7 days. Gross: $3,000. (Average, $3,500)
"Shadows Over Shanghai" (G.N.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Vaudeville. Gross: $3,800. (Average, $3,000)

Anderson Is Named To RKO Sales Post

Richard Anderson has been named by Jules Levy, general sales manager, to a post at the RKO home office, in charge of the physical distribution of RKO Pathe News, working with Harry Michalson, short subject sales manager, and Sid Kramer, manager of the print and negative department.

Anderson has served in the sales department of various companies, and as sales manager of Hearst International Newsreel. He also was associated with Universal Newsreel.

'Gunga Din' Big $22,000, Philadelphia

PHILADELPHIA, Feb. 14.—"Gunga Din" took a neat $22,000 at the Stanley. "Delight" pulled up strong and grossed $17,000 at the Boyd. [illegible]s Morgan and Band, with "Blondie" on the screen, drew $16,500 at the Earle.

Estimated takings for the week ending Feb. 9:

"The Beachcomber" (Para.)
ALDINE—(1,300) (40c-55c-65c-75c) 5 days, 2nd week. Gross: $4,000. (Average, 7 days, $8,160)
"Paris Honeymoon" (Para.)
ARCADIA—(600) (25c-40c-55c) 7 days. Gross: $2,200. (Average, $2,800)
"Idiot's Delight" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 2nd week. Gross: $17,000. (Average, $14,000)
"Blondie" (Col.)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Russ Morgan band. Gross: $16,500. (Average, $14,000)
"St. Louis Blues" (Para.)
FOX — (3,000) (40c-55c-65c-75c) 7 days. Gross: $9,000. (Average, $14,000)
"They Made Me a Criminal" (W.B.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)
"Jesse James" (20th-Fox)
KEITH'S—(2,000) (25c-40c-55c) 7 days. Gross: $3,800. (Average, $4,000)
"Gunga Din" (RKO)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $22,000. (Average, $14,000)
"Charlie Chan in Honolulu" (20th-Fox)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $4,300. (Average, $7,000)

Knopf Joins Goldwyn

HOLLYWOOD, Feb. 14.—Edwin Knopf, who last week resigned as story department head at M-G-M, joins Samuel Goldwyn's production staff on March 1.

'Turf' Opening Feb. 21

United Artists will hold the premiere of "King of the Turf" at the Lincoln, Miami Beach, on Feb. 21.

WHO WILL GIVE ME A BREAK?

Years ago, when motion picture palaces were known as "nickelodeons" and Projectionists were called "Crank-turners", I got mixed up with an enterprising Ex-Clothing Store manager, who left a small Wisconsin town to open a Film Exchange in Chicago. In almost no time at all exhibitors far and wide knew him as "Uncle Carl".

With him I learned about the various branches of our business . . . Distribution . . . Exhibition . . . Production and neglect. Eventually I blossomed forth with an idea to "revolutionize" the Motion Picture industry . . . SIXTEEN MILLIMETER MOVIES. And then the storm broke. "This crazy guy," they said about me, "is trying to shake the foundations of our business." Trade papers carried banner heads like this: "Are Home Movies a Box Office Menace?" Threats were made against any producer who dared to support this 16mm. guy.

I lived through the turbulence of trail-blazing days, encouraging those who believed in me, keeping alive their faith. With what material gains to myself is a story in itself. But how this "crazy" scheme of mine has developed and is developing!

I still have unlimited faith in 16mm. films as an industry in itself, that can help rather than hinder the natural development of the professional motion picture as a business and a money-maker. But it's an old, old story. The pioneer is out on a limb. Even as Daniel Boone! Remember him?

Today I am in the unbelievable position of "starving or going to work". I prefer to work. I still have health—mental and physical—and energy to burn. But where is the man or men who will give a break to a real old-timer who still has a hop to his fast one.

JULIUS SINGER
240 West 73rd Street, New York, N. Y.
Telephone: SUsquehanna 7-1260

'Blues' First Week Gross Hits $41,000

First week of "St. Louis Blues" grossed an estimated $41,000 at the Paramount, and will be held for a second week. "Son of Frankenstein," in its second week at the Rivoli, drew an estimated $11,000. "One Third of a Nation," which opened at the Rivoli on Friday, will be followed by "You Can't Cheat an Honest Man" on Feb. 18.

"Off the Record" will replace the censored "Yes, My Darling Daughter" at the Strand as the next feature. "Three Musketeers" will follow one week of "Tail Spin" at the Roxy. "Made for Each Other" will go into the Music Hall tomorrow and "Mutiny of the Elsinore" will start at the Criterion today. "Grand Illusion" is held over for still another week at the Filmarte.

W. B. Releasing Last Two for Cosmopolitan

Warners are currently releasing "Wings of the Navy" and "Going Places" as the last of its Cosmopolitan Productions under the commitment which expired at the end of last year.

As with the new releasing deal with 20th Century-Fox, the Warner contract called for a maximum of six pictures a year bearing the Cosmopolitan trademark. First three films under the new deal will be "Hound of the Baskervilles," which is completed; "The Life of Alexander Graham Bell," now shooting, and "Lawyer of the West," which will feature Henry Fonda in the lead.

Twentieth Century-Fox is the third distributor to affiliate with Cosmopolitan since the latter started production about 12 years ago. The first was M-G-M, which released Cosmopolitan films for about seven years. M-G-M has retained the Hearst newsreel.

Schaefer Drive Led By New York Branch

The New York exchange, Bob Wolff manager, took the lead for the first week in the RKO George Schaefer Drive. Los Angeles, N. P. Jacobs manager, was in second position with Salt Lake City, where H. C. Fuller is branch chief, third. The southeastern district, headed by H. M. Lyons, lead the seven districts in the United States and Canada. New Haven, Barney Pitkin, manager, headed the March of Time contest; New Orleans, P. M. Baker manager, topped the Disney Division, and Atlanta, where G. C. Brown is manager, headed the Short Subject contest.

To Ask Jury Trial In Game Case Here

Harry G. Kosch, counsel for Max A. Cohen's Jewel Theatre in Harlem, will today apply for a jury trial for the defendants in the lottery case against the theatre. This case is regarded by License Commissioner Paul Moss as a decisive test of chance games in New York and his future course will depend on the outcome.

Kosch will ask for transfer of the case from Special Sessions to General Sessions. If the motion is granted, a jury trial may be held in about two months, at the earliest. The motion will be heard by Judge Koenig.

'Good News' Won't Go Off Air Until July 1

M-G-M has advanced the cancellation date of its current radio series, "Good News," from March 30 to July 1. The additional 13-week period was arranged by mutual agreement of the studio and General Foods Corp. in order to allow time for the sponsor's revision of its air show during the summer season.

William F. Rodgers, Metro general sales manager, states that since the original announcement of the withdrawal of the program, the company has been in receipt of hundreds of commendatory telegrams from exhibitors.

Montreal Radio City Is Planned by CBC

MONTREAL, Feb. 14.—A radio center that will rival Radio City will be erected here by the Canadian Broadcasting Corp., following a land grant just made to CBC by the City of Montreal of 100,000 square feet in the central uptown sector of the city.

Work is expected to begin shortly. The job is expected to be completed by May, 1940. The city was prompted to make its land grant in the belief that the erection of a "radio city" would bring $500,000 a year in salaries and other expenditures to Montreal.

Saphier Business to Be Acquired by MCA

Business and personnel of James L. Saphier, independent radio producer and artists' representative, will be absorbed by Music Corp. of America on March 1. Saphier will handle radio talent sales for MCA from the west coast, but will retain personal management of Bob Hope for radio.

Saphier will leave for the coast Feb. 24. James L. Stirton, who has been managing Saphier's New York office, leaves for Chicago Feb. 15 to become head of the NBC Artists' Bureau there.

Legion Approves 8 Of 9 New Pictures

National Legion of Decency approved eight of the nine films reviewed and classified this week. Four were found unobjectionable for general patronage, four for adults, and one was found objectionable in part. The films and their classifications follow.

Class A-1, Unobjectionable for General Patronage—"Adventures of Huckleberry Finn," "Famijen Andersson," "Homicide Bureau" and "Texas Stampede." Class A-2, Unobjectionable for Adults—"Beauty for the Asking," "Code of the Streets," "Off the Record" and "You Can't Get Away with Murder." Class B, Objectionable in Part—"School for Husbands."

Examination Is Asked

Warners will ask for an examination before trial of Booth Tarkington in the U. S. District Court on Friday, in connection with the author's suit to restrain exhibition of "Penrod and His Twin Brother."

Para. Names Blaydon

LONDON, Feb. 14.—Richard Blaydon has been appointed to supervise Paramount British productions.

Name Lebhar Head Of Sales at WHN

Bert Lebhar, sales manager of WMCA, has joined WHN as vice-president in charge of sales, effective immediately. The vice-presidency is a new office at WHN. Herb Pettey is the station's director.

Shaw Vice-President Heads WMCA Sales

Donald Shaw, formerly an executive of the McCann-Erickson agency, has been appointed vice-president in charge of sales and general manager of WMCA by Donald Flamm, president of the station. Shaw will assume his new office Feb. 20.

Another appointment made yesterday by Flamm is Charles Stark, formerly of CBS and various agencies, to the post of WMCA sales manager, succeeding Bert Lebhar.

Edwards to WHN

Fred Edwards, former news commentator at WKRC, has joined the announcing staff of WHN. In addition to his station background, Edwards previously was in charge of radio production at the Pan-American Exposition.

WCNW in Manhattan

WCNW, Brooklyn station, is opening studios in Manhattan to serve its New York City clients. All sales and production will be handled from the New York studios, as well as auditions.

Max Gordon to Aid NBC in Production Of Television Series

Max Gordon, Broadway producer, has been engaged by NBC to advise and assist in the production of television programs. He will, however, continue his theatre production activities, in addition to serving NBC.

Gordon will work closely with John Royal in the production of a series of programs now being planned for televising in connection with the network's regular schedule of television operations, which will go into effect with the opening of the World's Fair. It is believed that several of Gordon's stage plays will be offered in the television schedule. Among the Gordon productions are "Pride and Prejudice," "Roberta," "Design for Living," "Dodsworth" and currently, "The American Way."

KSJC to NBC

KSJC, Sioux City, Ia., will switch from CBS to NBC on Sept. 24, bringing the total of NBC affiliates to 169 stations. KSJC has 5,000 watts power during the day, 1,000 watts at night, and is associated with the *Sioux City Journal*.

Sign NBC Contracts

Glenn Darwin and Felix Knight have signed management contracts with the NBC Concert Division. The singers have been under NBC management but the concert section operates independently of the radio department.



Reading from left to riot, the principals of the world's greatest crowd-gathering feud!



From Universal—February 17th!

W. C. FIELDS

in

"You Can't Cheat An Honest Man"

with

Edgar BERGEN • Charlie McCARTHY

and "MORTIMER" • CONSTANCE MOORE • MARY FORBES
THURSTON HALL • PRINCESS BABA

Original story by Charles Bogle

Directed by **GEORGE MARSHALL**

Produced by **LESTER COWAN**

A *NEW* UNIVERSAL PICTURE



X marks spot and reason feud resumes!



Here's innocent bystander who becomes involved!



This girl is torn between love and Daddy!



Charlie enlists aid of old college chum!



Gentleman whom nobody asks to butt in!



Fields rings in old friend of his dreams!

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 32 NEW YORK, THURSDAY, FEBRUARY 16, 1939 TEN CENTS

52 Features On 20th-Fox New Schedule

48 from Hollywood and Four from England

Twentieth Century-Fox is planning 52 features for 1939-'40. Of these, 48 will come from the Hollywood studios and four from England.

In the current season the company is releasing 52 Hollywood-produced features and one from England. The decrease of four American films planned for next year is to give greater emphasis to British production.

Four Groups Planned

The proposed cancellation provision of 10-15-20 per cent was taken into account in lining up the new program. The production budget will exceed any previous year's, it is understood, largely due to increased costs.

Two Gracie Fields pictures made in England are scheduled for next year. The shorts will include 52 one-reelers, as currently, as well as Movietone News.

Selling of the new season program is under way on a small scale in some territories, but will not start nationally until after the sales convention

(*Continued on page 3*)

Fox West Coast Goes Back to Giveaways

HOLLYWOOD, Feb. 15.—Fox West Coast has returned to giveaways. At resumption of the drawings a Packard sedan will be the prize.

Virtually every subsequent and neighborhood house in F. W. C. chain is participating in the car and cash drawings thi week for the Arch Bowles drive, two prizes of $500 each being given tonight by fourteen houses in Cullen Espy's district.

In other districts "Jallopy Nights," in which second hand cars are giveaway prizes are being held. In about four weeks "Charles Skouras Homecoming Week" will be held and a new series of giveaways is planned.

Survey Concluded

Motion Picture Daily **in this issue publishes the concluding installment of the survey on the use of chance games and giveaways throughout the country.** ***Motion Picture Daily*** **invites reader comment on the situation.—Page 6.**

Metro Sales Meet Set for March 19

M-G-M will hold a national sales convention beginning Sunday, March 19, in Chicago, according to present plans. Business sessions will start on Monday for three days. The meeting may be at the Congress Hotel, but this is not certain.

William F. Rodgers, general sales manager, had planned to go to the coast for conferences with studio officials on the new season's lineup, but may cancel or postpone the trip.

Flu Epidemic Cuts Grosses in Chicago About 25 Per Cent

CHICAGO, Feb. 15.—The flu epidemic, which has reached such proportions that closing of the city schools is being considered, has cut theatre grosses about 25 per cent during the last few days.

A survey of office personnel throughout the city revealed that one out of every five employes is confined to his home with either a severe cold or influenza.

Reports of physicians and hospitals show that most of the cases are not a severe form of the flu. On the other hand the rapid increase in cases has made it necessary to consider precautionary measures. Theatres, as public gathering places, of course, are feeling the effects of the contagion most sharply.

REPEAL IN DAKOTA SPURS TRUST SUIT

15 Winners Chosen For Best Campaigns On "Greatest Year"

E. V. Dinerman, RKO Theatres, Cincinnati; Loew's Poli Theatre, Bridgeport and S. E. Schwahn, Granada Theatre, Lawrence, Kan., won first prizes in their respective groups for the best exploitation campaigns in connection with Motion Picture's Greatest Year. The first prize was $500.

Other winners, chosen by a committee of advertising representatives from all major companies and trade publications at a luncheon at the Astor yesterday were:

First group: Second, Wally Caldwell, Loew's Valentine, Toledo; third, William O'Donnell, representative Interstate Circuit, San Antonio; fourth, Messrs. Stallman, Glase Peters and Keaney, Promotion Committee, Reading; fifth, Charles Taylor, Buffalo Theatres, Buffalo.

Second group: Second, Frank Shaffer, Harrisonburg Theatre, Harrisonburg, Va.; third, George F. Sharp, Fox Wilson Theatre, Fresno, Cal.; fourth, J. David Jones, Kerasotes Theatre, Springfield, Ill.; fifth, R. E. England, Virginia Theatre, Charleston, W. Va.

Third group: Second, Alvin Sloan, Washington, N. J.; third, Robert E.

(*Continued on page 3*)

Justice Department Seen Seeking a Showdown; Early Signing Due

WASHINGTON, Feb. 15.—Repeal of the North Dakota divorcement law, if approved by Governor Moses, will strengthen the Department of Justice's intention to press the Government's New York anti-trust suit against major companies to a showdown, it was indicated here today.

The action of the North Dakota legislature was vigorously condemned by department officials. The traditional wall of silence was broken with the statement: "It looks very funny to us and we do not like it at all."

While the department has no direct interest in the North Dakota law, the constitutionality of which is to be argued before the Supreme Court next month, the divorcement question is a major issue in the New York suit and is the main objective of the Government's action against the film industry.

Early Signing Indicated

BISMARCK, Feb. 15.—Early action by Governor John Moses on the bill repealing the theatre divorcement law was indicated by the remark of Speaker Oscar Hagen of the House that the Governor would sign "before Friday."

From the chief executive the measure goes to Senate President Jack Patterson for his signature. A resolution in the house asking the Governor to veto the measure died in committee.

Reports of a Federal investigation of the circumstances surrounding the hurried passage of the repeal measure were discounted here. U. S. District Attorney P. W. Laurier of Fargo, who is in Bismarck, would make no comment.

Demand for Approval Seen Discouraging Ad Film Use

Sponsored advertising films of 200 feet or more must obtain a Hays office seal as a condition to showing in theatres operated by member companies. The move is intended to discourage the use of ad films in theatres.

A ruling approved by Hays office directors recently stipulates that such films must comply with the Advertising Advisory Council's code and that the code seal, together with the words "This is an advertisement" appear in the front title frames.

It applies to films advertising a commercial product. Comparatively few will be submitted for approval, it is believed, as the majority made for theatre use are about 90 feet in length.

It is estimated that possibly 10,000 theatres in the United States show short-length ad films.

Producers or advertisers may submit scripts and descriptions in advance for approval by the Advertising Advisory Council, headed by Lester Thompson in New York. The code, which heretofore has governed only film companies' advertising and accessories, provides for good taste, bans profanity and vulgarity and among other things pledges the advertiser to "truth, honesty and integrity."

A Hays office spokesman said the ruling is intended to prevent "the pawning off of advertising films as entertainment."

Al Jolson Quits Air Program March 14

HOLLYWOOD, Feb. 15.—Al Jolson goes off the Lifebuoy program following the March 14 show, it was announced today by Jolson and the Ruthrauff and Ryan agency.

It was said to be an amicable agreement over dissolution of the Jolson contract so that "Jolson may fulfill a long felt desire on his part to appear in a new type of radio program which he has had under consideration for some time."

File Appeal Notice From RKO Decision

Copia Realty Corp. and Fabian Operating Corp., holders of contingent claims against RKO, filed notice of appeal in the U. S. District Court yesterday from the decision of Judge William Bondy which approved the plan. Appeal was taken from those provisions which dispose of claims of contingent creditors.

Judge Bondy yesterday directed Irving Trust Co., RKO trustee, to advertise in the *Daily News Record* notice of the hearing on Feb. 27. The notice must state that confirmation of the plan will be considered on that date and that the hearing may be adjourned without further notice.

Pathe Plan Approval Is Slated for Today

Approval of the new plan of liquidation for Pathe Film Corp. is expected today when stockholders meet to vote on the proposal. Pathe officials indicated yesterday that proxies from more than the required two-thirds of the stock had been received and that approval is assured.

Although the name for the new company has tentatively been fixed as the Pathe Laboratories, Inc., this may be changed when the board of directors meets after the stockholders' meeting.

Monogram Financial Statement Out Friday

Regular monthly meeting of the board at Monogram voted yesterday to send out the annual financial report to stockholders on Friday. The report will be considered at the stockholders' meeting on March 1.

W. Ray Johnston, Monogram president, returned yesterday from the coast where he set plans for the 1939-'40 production schedule.

Deny Restrainer on Father Hubbard Film

ALBANY, Feb. 15.—N. Y. Supreme Court Justice Schenck has denied an injunction to restrain Father Hubbard, the "glacier priest" from showing a film with his lecture here at Chancellor's Hall.

The opinion of the court is considered highly significant in that concerns the use of public property by non-profit and religious organizations.

Spitalny Called in Suit

Phil Spitalny, orchestra leader, was directed yesterday by N. Y. Supreme Court Justice Timothy A. Leary to appear for examination before trial. on application of Henry Souvaine, Inc., plaintiff in a $46,000 breach of contract suit brought against Spitalny for commissions for allegedly securing General Electric Co. as sponsor for Spitalny's radio program, "Hour of Charm."

Lab Union Confers

Laboratory Technicians' Union, Local 702, conferred yesterday with Consolidated Film Industries and De Luxe Laboratories on a proposed contract. Richard Walsh, I. A. T. S. E. vice-president, was present at the negotiations on behalf of the union.

Purely Personal

E. C. GRAINGER, general manager for the Shea Theatrical Enterprises, left yesterday for a two-week tour of the company's Ohio and Pennsylvania theatres.

•

FREDERICK ULLMAN, JR., vice-president in charge of operations for RKO Pathe News, has returned from a three-week visit to Hollywood, during which he conferred with GEORGE SCHAEFER and NED E. DEPINET on the 1939-'40 product.

•

SAM ECKMAN, M-G-M managing director in Great Britain, and MRS. ECKMAN leave tomorrow for the coast, where he will confer with ARTHUR M. LOEW.

•

ARTHUR JACOBSON, head of Paramount's talent department, will leave Hollywood Saturday on his first cross-country tour in search of talent.

•

FRANK C. WALKER is entertaining his brother, SENATOR T. J. WALKER of Butte, Mont., who came east for the funeral of M. E. COMERFORD.

•

JACK GOLDHAR, U. A. district manager, is visiting the Chicago exchange and will go on to Milwaukee and other cities in his territory.

•

SAM RINZLER of Randforce and JOE SEIDER of Prudential Playhouses are in Honolulu on a vacation.

JOSEPH M. SCHENCK'S trip to New York is still indefinite. He is at present at the 20th Century-Fox studio.

•

MICKEY ROONEY, accompanied by LES PETERSON of the M-G-M studios, will leave for Florida within the next few days.

•

JACK LA RUE arrived on the *Champlain* yesterday. Also MR. and MRS. JOHN LODGE and G. MALY, Hungarian player.

•

PAUL WIR, U. A. manager in Panama, sailed yesterday with MRS. WIR following a month's vacation in New York.

•

SAM OPPENHEIM, chief projectionist for RKO, and MRS. OPPENHEIM have returned from a Miami vacation.

•

W. F. Rodgers, M-G-M general sales manager, was down with laryngitis yesterday.

•

MOE SANDERS of 20th Century-Fox is expected back today from a Florida vacation.

•

KENNETH CLARK of the Hays office is recovering from the grippe.

•

MRS. DAVID SARNOFF sailed yesterday for a West Indies cruise.

•

SAM SHAIN leaves today for Florida.

Kansas City School Films Not Competing

KANSAS CITY, Feb. 15.—Kansas City school system will not compete with exhibitors through showing of entertainment films. This assurance was given E. E. Webber, Jr., president of the I. T. O., by Rupert Peters, director of the visual education department of the Kansas City, Mo., school board.

Occasion for exhibitors' anxiety was the purchase of 16 mm. sound equipment by the school board for the first time. The equipment was bought for experimental purposes, Peters said, and would show entertainment films only occasionally at school assemblies, and then not at an admission.

Celebrates 25th Year

DES MOINES, Feb. 15.—Celebration of the 25th anniversary of the entrance of E. J. Tilton, franchise holder of Republic Pictures for the states of Iowa and Nebraska, into the film business will take the form of a Silver Jubilee Drive during March, April and May.

Stern Offers Paintings

SAM STERN, former art director for Warner Pittsburgh theatres, now with 20th Century-Fox, has contributed several paintings to the Motion Picture Refugee Fund.

Billboard Bill in Albany

ALBANY, Feb. 15.—Another billboard measure setting up a regulatory committee and license fees has been introduced in the State Senate.

Hear 2 Witnesses in British Acoustics Suit

WILMINGTON, Feb. 15.—First witnesses were called today in the patent infringement suit brought by British Acoustics against RCA and Erpi. They were Paul J. Larson, former RCA research manager, and Arnold Poulson, joint inventor of a projection machine which was entered as evidence in the suit. He told of demonstrating his machine to Erpi engineers in 1927. Larson explained the device used by Erpi and RCA to feed films into a projector at constant speed and related how they operated prior to the Poulsen invention.

Move for Dismissal In Operators' Suit

Application will be made today to N. Y. Supreme Court Justice Timothy A. Leary by Empire State Motion Picture Operators Union, Inc., and its officers and directors, to dismiss for lack of prosecution a suit brought against them by twelve members of the union to restrain collection of assessments by the union. Justice Leary will also be asked to vacate a temporary injunction secured by the plaintiffs in 1933, which has restrained the union to date from assessing its members.

Palmer to Hollywood

MONTREAL, Feb. 15.—Hamilton Palmer, a member of the Canadian Broadcasting Corp. traffic department at Toronto, has left on a two-month trip to Hollywood to act as technical adviser for M-G-M in the production of "Hands Across the Border."

WPA Will Present Plays at Two Fairs

Federal Theatre Project of the WPA will operate legitimate stage theatres at the World Fairs in New York and San Francisco, according to *Equity*, official organ of Actors' Equity. Performances will be continuous from 11 A. M. to 11 P. M. and will average 45 minutes per performance.

Admission of 25 cents will be charged. At the San Francisco Fair a 250-seat house will be used while in New York the auditorium will be about twice as large. Actors' unions have waived insistence on full union conditions in order to permit the shows. These will probably be the only legitimate stage productions at the Fairs with the exception of condensed versions of Shakespearean plays which are scheduled to be put on by J. T. Schless, who operated a similar concession at the Chicago Fair.

Moore to Pittsburgh In Next Two Months

B. F. "Dinty" Moore, who has been working in Oklahoma City for Standard Theatres Corp., goes to Pittsburgh within the next two weeks to work under Harry Kalmine, Warner Theatre zone manager, according to an announcement from the home office yesterday.

Jackson Due Tuesday

Jerome Jackson, head of Warners' production at Teddington studio, London, is due Tuesday on the *Ile de France* for conferences with Sam E. Morris, vice-president in charge of foreign activities. Future quota production will be lined up.

'Pygmalion' Out Mar. 10

"Pygmalion" will be nationally released on March 10. M-G-M reports the film has been a success in all its special engagements including that at the Astor where it opened early in December.

Seymour Kennedy Aide

James W. Seymour, former screen writer and motion picture executive, sailed yesterday on the *President Harding* for London where he will be an attache at the American Embassy.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

NY Bill Clarifies Matron Situation

ALBANY, Feb. 15.—Designed to eliminate the confusion existing in New York State statutes in relation to admission of children under 16 without parents or guardians, a bill has been introduced by Assemblyman William J. Butler.

At present, one statute permits children to enter theatres during the day without parent, guardian or otherwise authorized persons, providing matrons are on duty. Still another section conflicts and sets a penalty for children entering places of amusement unaccompanied.

'Tobacco Road' Put On After Film Show

Road company of "Tobacco Road" is experimenting with a solution to the long standing films vs. legitimate stage feud out of town. Since most of the former legitimate houses are now used for motion pictures, midnight performances of "Tobacco Road" are given in the film houses after the last screening.

There have been half-a-dozen such performances. The last one, on Monday, was at the Paramount, Toledo. At $1.65 top, the show played to standing room and nearly reached a $4,000 gross. Curtain went up at 11:20 P. M.

CBC Initiates New International Series

TORONTO, Feb. 15.—The Canadian Broadcasting Corp. has inaugurated a series of international exchange programs from Paris. The programs will be presented over the Canadian network in cooperation with the official French radio system every two weeks.

Crosley Builds at Fair

CINCINNATI, Feb. 15.—The Crosley Corp., operating WLW, WSAI, W8XAL and W8XNU, is erecting a building at the New York World's Fair grounds to cost over $1,000,000, according to Powel Crosley, president. The structure will house the company's products including "Reado," a facsimile apparatus.

Ames Has His Own Office

Ronnie Ames, formerly with Fred Waring and more recently with Rockwell-O'Keefe, has opened his own management and public relations office here. Currently he is supervising the return to the air of the Bert Lown orchestra.

Del Ruth Named

HOLLYWOOD, Feb. 15.—Charles R. Rogers has replaced David Butler, originally set to direct "The Star Maker," with Roy Del Ruth.

Plan Dillinger Film

HOLLYWOOD, Feb. 15.—Warners is planning a picture based upon the career of John Dillinger, late Public Enemy No. 1. George Raft is being sought for the killer's role.

'Don,' 20th-Fox Tieup

Twentieth Century-Fox again has made a tieup with "Uncle Don," who conducts a children's series on WOR, to entertain winners in a radio contest.

Postpone Screening Of 'Darling Daughter

Scheduled screening of "Yes, My Darling Daughter" before three members of the N. Y. Board of Regents was postponed yesterday until next week at the State Office Building. The film will be viewed and the appeal of Warners from the decision banning the picture will be heard prior to the board meeting on Feb. 24. This will permit the committee to report its findings to the meeting which is expected to give its decision on that date.

Albert S. Howson, Warner censor director, who prepared the briefs, declared that the film is a picturization of a successful stage play with objectionable features removed. He pointed out that the picture represents a considerable investment and that "certain modifications of dialogue will tend to further eliminate much of the objection thereto." Yesterday the committee saw "The Puritan" which was also banned by Irwin Esmond, chief censor.

52 Features on New 20th-Fox Schedule

(*Continued from page* 1)

in Chicago, April 15 to 17. It is understood the features will include four groups, one of eight, one of 16 and two of 12.

S. R. Kent, president, and Herman Wobber, director of distribution, will meet with Darryl F. Zanuck at the studio on March 16 to complete details of the program and budget.

Kent gave a picture of the company's world-wide position and Wobber discussed sales policies at a meeting of district managers and home office executives at the Park Central Hotel yesterday. Others who spoke were Charles E. McCarthy, director of advertising and publicity; Truman H. Talley, producers of shorts and Movietone News, and Harvey Day of Terry Toons.

Sessions Continue Today

The sessions will continue today at the home office, with Wobber and division managers discussing problems with the district heads.

Home office executives at yesterday's meeting were Division Managers William Sussman, W. C. Gehring and William Kupper; William Clark, short subjects manager; Felix Jenkins, Sam Epstein, Clarence Hill, Roger Ferri, Martin Moskowitz, Irving Maas, Les Whelan, Ted Shaw, E. H. Collins and Jack Bloom.

I. T. O. A. Sees Few Film Stars on Radio

Few film stars will be on radio programs during the season starting next fall, it was predicted at a meeting of the I. T. O. A. yesterday at the Astor. Harry Brandt, president, told of the steps by studios to keep talent off the air. Darryl Zanuck and M-G-M were commended.

David Weinstock again heads the committee for the organization's annual "movie ball" to be held March 18 at the Astor. Charles Goldreyer is serving as chairman of the program committee.

It was reported that committees of the I. T. O. A. and Local 306 are still negotiating new terms for operators.

Troubles

Americus, Ga., Feb. 15.—After the city increased the annual license on his theatre from $100 to $250, J. M. Morgan went to a Council meeting to lodge a vigorous protest.

He listened for two hours to other business men's complaints about taxes, then left without asking a reconsideration. Later, he explained to councilmen.

"You fellows have enough troubles of your own without hearing any protest from me."

MPPA Publicity Committee Named

HOLLYWOOD, Feb. 15.—Kyle Palmer, Tom Pettey and Gabe York of the Association of Motion Picture Producers, have been named by Will Hays as a committee to coordinate public relations and public information concerning the industry in Hollywood, with the industry's national affairs.

Functions of the committee will include closer cooperation with studio department heads, interdepartmental activities in the association and dissemination of information on local and national problems and industry activity.

Ask for Transfer of Jewel Lottery Case

Judge Koenig in Special Sessions yesterday took under advisement motion of Harry G. Kosch, counsel for the Jewel Theatre, Harlem, to transfer the lottery case against the theatre to General Sessions for a jury trial. Briefs were submitted by Kosch and the District Attorney's office.

The case was continued in Special Sessions to March 15 pending determination of the defendant's motion. This makes the fourth postponement of the action, which is regarded by city officials as pivotal in the chance game situation here.

15 'Greatest Year' Winners Are Chosen

(*Continued from page* 1)

Bryant, Capitol Theatre, Rock Hill, S. C.; fourth, Henry A. Brownlee, Ritz & New Theatres, Russellville, Ark.; fifth, Hollis Wood, Brawley Theatre, Brawley, Cal.

The other cash prizes were: Second, $100; third, $50; fourth, $25, and fifth, $25.

Among those who attended the luncheon and participated in the judging were Red Kann, *Box Office*; Alec Moss, Paramount; Jack Alicoate, *Film Daily*; Si Seadler, M-G-M; Chick Lewis, *Showmen's Trade Review*; Monroe W. Greenthal, United Artists; Barret McCormick, RKO; Jay Emanuel, *Exhibitor*; Maurice Bergman, Columbia; Lew Lifton, Monogram; Jack Harrower, *Film Daily*; Lester Thompson, Hay's Offive; Roy Chartier, *Variety*; Arch Reeve, 20th Century-Fox; Arthur Jeffrey, United Artists; Sid Davidson, Universal; Sid Singerman and Harold Franklin, Motion Pictures Greatest Year.

Lohr to Leave for Hollywood in Week

Lenox R. Lohr, NBC president, will leave for Hollywood next week, with stopovers in various cities en route, to consult with managers of NBC stations. While in Hollywood he is expected to consult with film studio officials on the current unsettled film-radio situation, although no confirmation on this can be obtained from his office. Starting date of the trip remains indefinite.

Alfred H. Morton, vice-president in charge of NBC owned and operated stations, will make the trip with Lohr.

2 Big Film Unions In Mexico End Row

MEXICO CITY, Feb. 15.—The two labor unions that control the Mexican film industry, the Federation of Cinematographic Workers and the National Union of Studio Employees, have finally made peace after a long row that hampered production and caused the boycotting of some pictures.

The peace pact is seen as assuring uninterrupted work by the studios. Producers are so jubilant that already predictions are being made that this will be Mexico's biggest movie output year. Estimated production for 1939 production runs from 65 to 70 features and about 25 or 30 shorts.

'Each Other' Opens At Music Hall Today

"Made for Each Other" opens today at the Music Hall after a three-week run for "Gunga Din." The latter grossed an estimated $80,000 in its third week. At the Capitol, "Idiot's Delight" drew an estimated $44,000 in its second week and will be held over for a third.

Finish Scott Western

"In Old Montana," musical western starring Fred Scott, has been completed under the direction of Raymond K. Johnston. Picture is a C. C. Burr production and will be released by Spectrum Pictures.

Would Tax Stations

LITTLE ROCK, Ark., Feb. 15.—A Senate bill would levy a $100 annual tax on radio stations. It was referred to the Committee on Revenue and Taxation.

Lantz to Have His Own Yearly Awards

Hollywood, Feb. 15.—Walter Lantz is inaugurating his own yearly awards for his employes who aid him in making cartoons for Universal release. Lantz and a selected committee are looking at last year's product to select winners in the animation, background, story, music and other divisions of cartoon making.

Awards, bronze statuettes, will be given to the winners at a company dinner.

It's here—and now—after a year on the New York stage—after the road tour that covered the country!



To make a love story  sweeter it's got Lane and Lynn in love again!  To make a year-run stage riot still funnier it's got castful of  Hollywood cut-

To make a long story short.

terrific...practically sensatio

Mother, aren't you glad you haven't Four Daughters like me?

Yes, my darling daughter

s!

's slightly

l...merely a wow!

Starring the Lovable Sweethearts of 'Four Daughters'

Priscilla Lane
and
Jeffrey Lynn

ROLAND YOUNG · FAY BAINTER · MAY ROBSON
Genevieve Tobin · Ian Hunter
Directed by WILLIAM KEIGHLEY
Screen Play by Casey Robinson • From the Stage Play by MARK REED • A First National Picture

WARNER BROS.
Producers

Aggressive Steps Needed to Check Games

70% of Local Theatres Vote To Ban Games

Seventy per cent of independent exhibitors in the New York metropolitan area using games say they would eliminate them if others did the same.

This is according to a survey conducted by the I. T. O. A. A total of 150 replies was received to a questionnaire, from heads of small circuits and individual theatres.

Of the total of 73 per cent using games, 83 per cent said that the stimulants improved business at once, but 64 per cent find that the games are no longer a business getter. Ninety per cent have competition from Bingo in churches and halls in their vicinity.

See Public Tiring

Seventy-nine per cent of those replying believe the public is tiring of games and 70 per cent believe that their theatres would be better off without the lures. They find games are not profitable, considering the expense and increased competition.

Sixty per cent reported that business falls off on nights when money is not given away.

The I. T. O. A. believes the replies represent a fair cross-section of sentiment in Greater New York, although no replies were received from RKO, Loew's, Skouras and other major circuits. However, these circuits are on record as favoring the games' elimination if others do the same.

Bayonne

Population, 96,000; two first runs, 3,861 seats, 25c-35c; four subsequents runs, ranging from 700 to 1,450 seats, 15c-25c. Only subsequents have money games, Bingo and Lucky, with between $4,000 and $6,000 given away annually. Non-theatrical chance games are rampant, with many organizations running them, jackpots running as high as $1,000 a night. Non-theatrical games would continue if the exhibitors stopped them. No attempts have been made to stop any of the cash games, and merchants apparently have made no protests. Exhibitors would be glad to stop them if they all could at the same time, as they believe they are unprofitable, but such a move is not likely. Organizations give expensive premiums, such as automobiles or the cash equivalent.

Elsewhere in New Jersey: Bloomfield has two theatres, both operating money games — Stake, Bankroll, Screeno and Employment Night. The managers feel the games help business and say they run them to meet competition from non-theatrical cash games. The public, in this section wants "more for its money," and turns out heavily on game nights, which cost each house about $5,000 a year.

●

Houston

On June 14, 1937, money games went out of Houston theatres. State legislation, plus State Supreme Court ruling on test cases, brought about the ban. The theatres had been giving away about $30,000 in this city. An estimate on what happened to show business after games were banned shows that first runs (which also played Screeno and Bank Night) had a drop of 15 per cent; subsequent runs only five per cent. But only half this loss is charged to the elimination of games, and the theatres seem to get along very well without the stimulant. The state laws still permit prizes in "games of skill," such as Quiz programs, but the state places a 20 per cent tax on the prizes.

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Tacoma and Territory

Population, 110,000; five first runs, 5,485 seats, 25c-35c; 12 subsequent runs, 7,500 seats, 15c-25c. While theatre business in Tacoma is normally below grosses in most cities of comparable size, theatre owners here are opposed to games.

When chance games were sweeping the country about four years ago, an attempt was made to start them here. The county attorney stopped them before they had a chance to become established. All exhibitors believe they are better off without such stimulants. They say they will not start them even if the authorities approve, unless they are forced to by competition. Money games are run by clubs and churches to a limited extent, but not sufficient to hurt theatres.

Ned Edris, general manager of John Hamrick's Tacoma theatres, said: "The experience of other operators in the Northwest has taught Tacoma exhibitors enough about games, so there is no danger of the idea spreading here."

Olympia, 25 miles from Tacoma, has money games, but this does not affect Tacoma business.

In Yakima, where games are used, some exhibitors say they are not worth while.

●

Rochester

Local houses give away about $20,000 in Bingo and Bank Night prizes per year. By and large, they are willing to quit the games, and would do so if it were not for the competition from church Bingo parties which offer bigger prizes than the theatres. One church, on Friday nights, offers $1,000 in cash, plus a Florida trip, plus $150 in door prizes, plus $200 special prizes —plus "free parking for 2,000 cars—" and advertises all this in heralds. Attendance of more than 6,000 is not uncommon. Another church plays to 4,000, also on Friday nights. To accommodate crowds, a nearby school was transformed into a Bingo casino, with a P. A. system. Many of the prizes are promoted, but most are cash.

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Gloversville, N. Y.

Population, 24,000; two theatres, 24,000 seats; 25c-40c. Both theatres are owned by the Schines. Games have been played several years, ever since Bingo came into vogue at clubs and lodges. Theatres felt they had to meet the competition. Games have boosted attendance, but the managers say the attraction is wearing off. They consider the games profitable, as they bolster weak attractions. Newspapers have banned chance game ads, and police have advised managers against heralds, etc. The only advertising is via trailers, lobby announcements and window cards.

●

Utica

Population, 105,000; three first runs, 6,600 seats, 40c top; 10 subsequents, 9,000 seats, 10c-25c. First runs and others have games, which have been in vogue more than three years. Prize money totals more than $15,000 yearly. Lodges, churches and clubs have large scale games, but not more than before theatres adopted them. Games are considered profitable, because of non-theatrical opposition. Exhibitors would quit games it others did. One lodge gave $7,500 in prizes and an automobile on one occasion. Couple of theatres give dishes, raising admissions for those that want the premiums.

●

Clifton, N. J.

Population, 55,000; one first run, 1,000 seats, 25c-35c; one subsequent run, 1,657 seats, 15c-25c. First run does not have giveaways. Subsequent has had giveaways five years, and "wishes it didn't have to." Churches, and even poolrooms, run big gambling games, and the theatre must compete.

By SAM SHAIN

Nicholas M. Schenck, president of Loew's, once said that there was nothing wrong with the business which good pictures cannot cure, and in closing the cross-country survey on games and giveaways by MOTION PICTURE DAILY we leave you his thought.

MOTION PICTURE DAILY's purpose in conducting this survey has been only one of service to the industry. All the views that were available have been sought, and all the views that were obtainable have been presented. We hope that this study of chance games and giveaways has given the industry a clear and concise picture of that situation and its effect around the country.

Perhaps the motion picture producers and distributors and the leading exhibitors as well should take aggressive steps to bring an end to this practice. It certainly is not showmanship.

CALLED PERNICIOUS HABIT

Take the view of Harry Arthur, of St. Louis, for instance. He describes chance games and giveaways as a pernicious habit.

"The practice of giveways becomes a pernicious habit," he says, "and concentrates the business on the nights that there are giveaways, without improving the weekly or monthly or annual takes, and it resolves itself down merely into a matter of expense without any real improvement at the box-office over a period of time."

Tenn. Bill Asks 5% Tax for Bank Night

NASHVILLE, Tenn., Feb. 15.—Governor Cooper's revenue bill received committee approval in a revised form, after administration leaders split into two camps over a gross receipts levy applicable only to theatres operating Bank Night. In the committee's final draft, the levy on Bank Night was a defeat for the Cooper proposal. However, other committee revisions were with approval of the chief executive.

The original revenue bill, introduced in both houses and set for final legislative action, increased from 3 to 4 per cent, the gross receipts tax on theatres with the exception of those operating Bank Night, which were to be taxed at 5 per cent.

House Speaker O'Dell presented an amendment, with administration approval restoring the normal gross receipts tax to 3 per cent. In addition O'Dell proposed that theatres operating Bank Night pay a 6 per cent tax instead of the proposed 5 per cent.

Milwaukee Theatres Support New Game

MILWAUKEE, Feb. 15.—Milwaukee County independent exhibitors who were unsuccessful in their attempts to secure a voluntary discontinuance of theatre games, have endorsed another game which offers $1,000 weekly in cash prizes.

The game provides for weekly registering in the stores of cooperating business houses with drawings each Saturday night, and proxy nights on Mondays and Thursdays. Cost to merchant and exhibitor is $1 per week each, and it is hoped to enroll all theatres in Milwaukee County in the plan.

The plan has been copyrighted by John S. Barber of this city and it is proposed to expand it on a nationwide scale.

Lottery Acquittal Is Ordered in KY.

Owensboro, Ky., Feb. 15.—Judge Charles H. Wilson in Hopkins Circuit Court at Madisonville ordered acquittal of the Crescent Amusement Co., charged with violating the state lottery law by conducting Bank Night at the Earlington. Judge Wilson directed the judgment be taken to the Court of Appeals for review. Judge Wilson has held unconstitutional the act excluding theatres from the state lottery law.

J. C. Clemmons Retires

BEAUMONT, Texas, Feb. 15.—Joe C. Clemmons, president of the Jefferson Amusement Co. since its organization in 1918, has retired from active operation of the circuit. Sol E. Gordon, chairman of the board and partner of Clemmons, has become president. Clemmons will remain as director.


COLUMBIA
TOP PICTURES
TO BE
RELEASED
STARTING
IMMEDIATELY

Realism SINCERE...STIRRING...VITAL

The magnificent drama of two plain, honest kids who wanted only to live and love, but who found the eyes of a brutal world turned upon them accusingly! Millions of plain, honest Americans will weep... and laugh...with them—and love them!



LET US LIVE

MAUREEN O'SULLIVAN · HENRY FONDA · RALPH BELLAMY

ALAN BAXTER • STANLEY RIDGES • HENRY KOLKER

Screen play by ANTHONY VEILLER and ALLEN RIVKIN

Based upon a story by JOSEPH F. DINNEEN • Produced by William Perlberg

Directed by JOHN BRAHM • A COLUMBIA PICTURE

A HOWARD HAWKS' PRODUCTION IN HIS TRADITION OF BIG MONEY PICTURES... ROMANCE... GREAT ADVENTURE...THRILLS ...IN THE FOG-BOUND MOUNTAINS AND LUSH TROPICAL BEAUTY OF SOUTH AMERICA...

JEAN ARTHUR CARY GRANT

Tentative Title . . . . "PLANE NO. 4"

COLUMBIA PICTURES

Columbia, in announcing that, for a term of years,

WESLEY RUGGLES

will produce two pictures each year, has secured for his first picture the new

CLARENCE BUDINGTON KELLAND NOVEL *

RIZONA

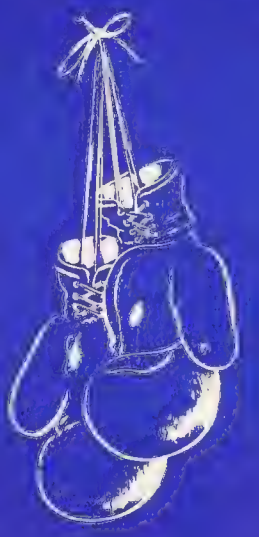
* ARIZONA will start serially in the Saturday Evening Post February 25th and will be published subsequently in book form. Those familiar with Kelland's work feel certain that ARIZONA is destined to be the most-talked-of novel of the year.

A STIRRING EPIC-SWEEPING PICTURE
SURPASSING IN SCOPE RUGGLES' OWN GREAT "CIMARRON"

ONE OF THE TRULY GREAT
STAGE SUCCESSES OF
RECENT YEARS!

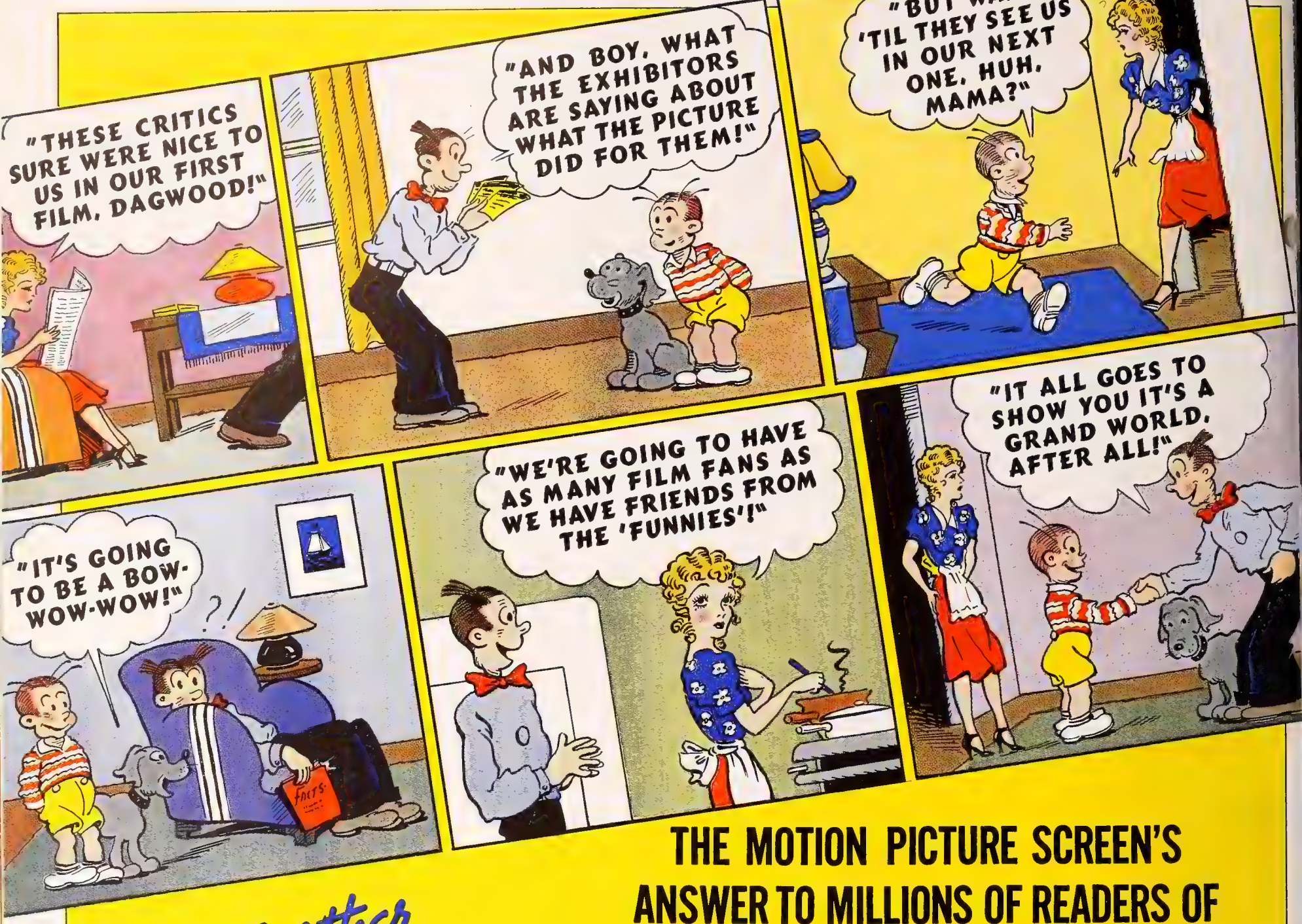
GOLDEN BOY





A Rouben Mamoulian
Production
Based Upon The
Noted Group Theatre Play
by Clifford Odets

COLUMBIA PICTURES



THE MOTION PICTURE SCREEN'S ANSWER TO MILLIONS OF READERS OF THE GREAT "BLONDIE" COMIC STRIP!

The Further Adventures of the Bumsteads!

BLONDIE MEETS THE BOSS



BLONDIE as portrayed by **PENNY SINGLETON**



DAGWOOD as portrayed by **ARTHUR LAKE**



BABY DUMPLING as portrayed by **LARRY SIMMS**



DAISY as portrayed by **HERSELF**

Based upon the Comic Strip created by CHIC YOUNG

with

SKINNAY ENNIS AND HIS BAND

Screen play by Richard Flournoy · Directed by FRANK R. STRAYER

A Columbia Picture



YOU have asked for this kind of a picture... A unique comedy-drama inspired by real showmanship! A story punctuated by laughs and action built on the grand idea of a society matron who mops up a mob! She finds out about machine guns only to turn them to her purpose!

THE LADY AND THE MOB



FAY BAINTER · IDA LUPINO · LEE BOWMAN · HENRY ARMETTA

A Columbia Picture

THE MOST IMPORTANT NEWS OF THE YEAR!



FRANK CAPRA'S

MR. SMITH GOES TO WASHINGTON

Screen play by Sidney Buchman

COLUMBIA PICTURES

Sold exclusive from any Columbia group

PRINTED IN U.S.A.

'Topper' Captures $9,900 in a Fair Kansas City Week

KANSAS CITY, Feb. 15.—Big money went to "Topper Takes a Trip" and "Burn 'Em Up O'Connor" at Loew's Midland in a quiet week. The double did $9,900. "Jesse James" did $4,500 at the Esquire, and $4,600 at the Uptown. Weather was warm till the last day of the week.

Estimated takings for the week ending Feb. 7-9:

"They Made Me a Criminal" (W. B.)
NEWMAN — (1,900) (25c-40c) 7 days. Gross: $6,400. (Average, $7,000)
"Jesse James" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days, 3rd week. Gross: $4,500. (Average, $3,000)
"Topper Takes a Trip" (U. A.)
"Burn 'Em Up O'Connor" (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $9,900. (Average, $11,500)
"King of the Underworld" (W. B.)
"Tarnished Angel" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days. Gross: $3,800. (Average, $5,000)
"Son of Frankenstein" (Univ.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Sid Page & His Pages of Fun; Lathrop Bros. & Virginia Lee, Everett Sanderson & Nanon, Bob Oakley, and Billy Papon. Gross: $7,000. (Average, $7,000)
"Jesse James" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days, 3rd week. Gross: $4,600. (Average, $4,000)

'Blondie' and NTG $9,500, Montreal

MONTREAL, Feb. 15.—"Blondie" and stage vaudeville, the latter an N. T. G. unit, pushed Loew's to the top with $9,500.

"Thanks for Everything" and "Adventure in Sahara" at the Princess accounted for $7,000, while "Stablemates" took $8,500 at the Princess.

Estimated takings for the week ending Feb. 11:

"Zaza" (Para.)
"Disbarred" (Para.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $7,500. (Average, $9,500)
"Blondie" (Col.)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Stage: N.T.G.'s "Glamorous Girls of 1939." Gross: $9,500. (Average, $8,000)
"Topper Takes a Trip" (U.A.)
"Women in Prison" (Radio)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,500, 2nd week. (Average, $5,000)
"Stablemates" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8,500. (Average, $11,000)
"Thanks For Everything" (RKO)
"Adventure in Sahara" (Col.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $7,000. (Average, $7,000)

'Delight' Captures $12,200, Omaha Hit

OMAHA, Feb. 15.—"Idiot's Delight" dualed with "His Exciting Night" set the pace at the Omaha with $12,200.

"Jesse James" at the Orpheum for the second week took $9,300. "The Great Man Votes" drew $4,300. Good weather helped.

Estimated takings for the week ending Feb. 8-9:

"The Great Man Votes" (RKO)
"Torchy Blane in Chinatown" (F. N.)
BRANDEIS—(1,800) (25c-35c-40c) 7 days. Gross: $4,300. (Average, $4,000)
"Paris Honeymoon" (Para.)
"Flirting with Fate" (M-G-M)
OMAHA—(2,200) (25c-40c) 2 days. Gross: $2,400.
"Idiot's Delight" (M-G-M)
"His Exciting Night" (Univ.)
OMAHA—(2,200) (25c-40c) 5 days. Gross: $12,200. (Average, $5,500)
"Jesse James" (20th-Fox)
"Swing Sister Swing" (Univ.)
ORPHEUM—(3,000) (25c-40c) 7 days, 2nd week. Gross: $9,300. (Average, $7,200)

Hollywood Previews

"Huckleberry Finn"

(M-G-M)

HOLLYWOOD, Feb. 15.—Mark Twain's "Huckleberry Finn" is an old story. Large book sales, however, attest its modern popularity. Mickey Rooney likewise is an old favorite, but a new star. Together the pair form a powerful name combination on which to base exploitation.

The story has not been modernized. As it comes to the screen, it follows the spirit of Twain's fiction classic of life along the Mississippi three quarters of a century ago. It merely makes use of elements that have proved their entertainment and commercial value time after time. Humor and pathos, comedy and melodrama, a threat of tragedy and spectacle are its substance.

Several chapters, not all the book, are used. But from the time "Huck" runs away until he returns to save slave "Jim" from being lynched audiences find many occasions to laugh and there are a few incidents that will affect their more sympathetic emotions. Intervening episodes have "Huck" and "Jim" meeting "The King" and "Duke" and "Huck" and "King" reenacting the ridiculous "Romeo and Juliet" burlesque. "Huck" saves two girls from being cheated out of their inheritance, breaks with "Jim." But when "Jim" saves his life after he has been bitten by a snake, "Huck" inspires "Captain Brandy" to make the memorable river boat dash up the Mississippi to save "Jim" from the mob bent on lynching. These are but the highlights; there's a wealth of sustaining material.

Rooney is a natural and convincing "Huckleberry Finn" and Rex Ingram's conception of the slave part is an accomplished bit of acting. Walter Connolly and William Frawley, the clowns of the show, supply the hokum comedy that goes along with the inherent humor. In their respective roles Elizabeth Risdon, Clara Blandick, Victor Kilian, Jo Ann Sayers, Lynne Carver and Minor Watson do much to make the production interesting and entertaining.

In the screenplay Hugo Butler made no attempt to improve the spirit of the original, and neither did Richard Thorpe, who directed.

Running time, 90 minutes. "G."* G. McC.

"Silver on the Sage"

(Sherman-Paramount)

HOLLYWOOD, Feb. 15.—"Hopalong Cassidy," "Windy" and "Lucky" ride and shoot again in "Silver on the Sage," Harry Sherman's latest production for Paramount release—a Clarence E. Mulford story. It is typical of their previous efforts which set William Boyd as a leading western star in the opinion of exhibitors. Supporting Boyd, George Hayes and Russell Hayden are Stanley Ridges, Frederick Burton, Ruth Rogers, Jack Rockwell, Roy Barcroft, Ed. Cassidy, Sherry Tanzey, Jim Corey, Wen Wright and Bruce Mitchell.

When rustlers steal a herd of Bar 20 cattle, the trio sets out to round them up, and encounters a gambling-rustling band the two leaders of which provide alibis for each other through disguises. Boyd obtains work as a card dealer and breaks the disguise mystery, and eventually the rustlers are brought to justice.

The screenplay was written by Maurice Geraghty. Lesley Selander directed, with J. D. Trop as associate producer.

Running time, 65 minutes. "G."* VANCE KING

"G" denotes general classification.

Completing Polish Film in Hollywood

HOLLYWOOD, Feb. 15.—Alvin Wykoff, supervising director in charge of production for Polish Pictures, Inc., is here putting final editing touches to "The Peasant's Wedding," first of four all-Polish pictures the company proposes to make this year in color.

"The Peasant's Wedding" and the other three will be distributed in Poland and in Polish colonies in the United States and South America. Material used will be based on native culture and folk lore. Most of the interiors were shot in Buffalo, with exteriors being filmed in Hollywood. Wyckoff is making his headquarters at Talisman studios here.

Equity Council Sets Experimental Meet

Council of Actors' Equity will hold a special meeting Friday to consider committee recommendations for special rules for experimental tryout and co-operative groups. A meeting between the League of N. Y. Theatres and Equity to consider the ticket situation has been postponed to Feb. 24 because both organizations are defendants in a suit to enjoin enforcement of the present ticket code and the trial is expected to come up this week.

In an effort to regulate rehearsal time, the Council has voted to make the director of a stock company responsible, along with the manager, for overtime payments.

'Gunga Din' $30,500 Big For Chicago

CHICAGO, Feb. 15.—"Gunga Din" swept into the Palace and came near breaking records with a gross of $30,500.

"Idiot's Delight" at the United Artists was another smash attraction, with $24,400. "Tailspin" at the Roosevelt and "Ride A Crooked Mile" at the State-Lake were strong.

Estimated takings for the week ending Feb. 8-11:

"Out West with the Hardys" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $6,200. (Average, $6,500)
"Jesse James" (20th-Fox)
CHICAGO—(4,000) 35c-55c-75c) 7 days, 2nd week. Stage: Happy Felton & Band. Gross: $30,000. (Average, $32,000)
"The Lady Vanishes" (G.B.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $5,800. (Average, $6,500)
"Arrest Bulldog Drummond" (Para.)
"Western Jamboree" (Rep.)
ORIENTAL—(3,400) (25c-35c-50c) 7 days. Stage: Vaudeville Revue. Gross: $13,200. (Average, $13,000)
"Gunga Din" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Chester Hale Girls & Revue. Gross: $30,500. (Average, $19,000)
"Tail Spin" (20th-Fox)
ROOSEVELT — (1,300) (35c-55c-75c) 7 days. Gross: $11,800. (Average, $11,000)
"Ride a Crooked Mile" (Para.)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,200. (Average, $12,000)
"Idiot's Delight" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $24,400. (Average, $15,000)

'Trade Winds' in Detroit Blows a Gale at $15,000

DETROIT, Feb. 15.—Eddy Duchin's band on the stage, with "The Great Man Votes," gave the Fox $20,000. The Michigan did nicely with "Trade Winds" and "Burn 'Em up O'Connor" for $15,000. Second week of "Idiot's Delight" gave the United Artists $10,000.

Estimated takings for the week ending Feb. 9:

"Jesse James" (20th-Fox)
"Road Demon" (20th-Fox)
ADAMS—(1,700) (25c-40c) 7 days, 2nd run. Gross: $4,500. (Average, $5,000)
"The Great Man Votes" (RKO)
FOX—(5,000) (20c-65c) 7 days. Stage: Eddie Duchin. Gross: $20,000. (Average, $20,000)
"Trade Winds" (U. A.)
"Burn 'Em Up O'Connor" (M-G-M)
MICHIGAN — (4,000) (20c-65c) 7 days. Gross: $15,000. (Average, $10,000)
"Disbarred" (Para.)
"I Am a Criminal" (Mono.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Idiot's Delight" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days, 2nd week. Gross: $10,000. (Average, $10,000)

Hold Para. Seattle Meet

SEATTLE, Feb. 15.—A regional conference of Paramount executives and territorial sales staffs was held in Manager Morris Segel's office here. In attendance were Division Manager Charles Regan; District Manager George Smith; Segel and the local branch staff, Al Anderson, George DeWaide, Lon Stang and Glen Broger from Portland, and Glen Haviland from Spokane.

Radio Plans Are Set On Visit of Royalty

Arrangements have been completed by the three nationwide networks, CBS, NBC and Mutual, and by the official Canadian network, Canadian Broadcasting Corp., for cooperative coverage of the visit to Canada and the United States of King George and Queen Elizabeth of Great Britain.

The royal couple is expected to spend from May 15 to June 15 on this continent, and the radio plans, while still tentative, will include practically daily broadcasts along their route. CBC will feed programs to the networks in this country, and when the royal visitors cross to the United States, the three networks here will return the service.

Chase & Sanborn Leads WTMJ Poll

MILWAUKEE, Feb. 15.—Chase & Sanborn program rated four firsts in the *Milwaukee Journal's* ninth annual radio poll conducted among listeners of WTMJ. Listeners rated this program their favorite. Edgar Bergen and Charlie McCarthy their favorite comedians, Don Ameche their favorite master of ceremonies and Nelson Eddy their favorite concert singer.

Kay Kyser rated first among dance orchestras; Bing Crosby topped the men's popular singer classification; Deanna Durbin the girl popular singer; Jeanette MacDonald the favorite feminine concert singer and Don Wilson best studio announcer. "Radio Theatre" was named the best liked dramatic program, "Vic and Sade" most popular serial story and "The Lone Ranger" the outstanding children's program.

WOR Had 1,140,713 Letters During '38

WOR's mail for 1938 has been tabulated at 1,140,713 letters. The breakdown shows that 778,702 communications were in response to commercial broadcasts and sustaining shows netted 172,618.

Gulf Signs Jack Berch

Jack Berch has been signed for a series of 32 transcriptions for the Gulf Refining Co. The discs are to be released to 65 stations. Young & Rubicam represented Gulf.

Nelson Eddy to Get Choir Honor Medal

Providence, Feb. 15.—Nelson Eddy, who got his singing start in church choirs here, will be awarded the Hagan Gold Honor Medal of All Saints Choir tomorrow. The choir has awarded the medal to its alumni only three times in its 80 years of existence. The star's father, William D. Eddy of Pawtucket, who sang with Nelson in the All Saints Choir years ago, will receive the medal in his son's behalf. Nelson was a boy soprano in his All Saints days.

Radio Personals

PAUL BRENNER, WNEW announcer, has returned to his post after an illness of three weeks. . . . Betty Winkler of the "Girl Alone" cast is ill with influenza. . . . Tim and Irene will be the guests on Tommy Riggs' program Feb. 25. . . . George M. Cohan has been booked for the Walter O'Keefe show Feb. 23. . . . Reported that Ripley will be back on the air with a network show shortly. . . . Columbia Pictures has asked for a presentation of the radio serial, "Her Honor Nancy James," with a picture based on the strip as a possibility.

+

Hal Kemp returns to New York after a belated honeymoon when he opens at the Paramount Feb. 22 . . . Tony Martin, the screen singer, is in town for an appearance with Kemp at the Paramount . . . Harold Oxley, manager of Jimmie Lunceford's band, to Chicago for one week, leaving this morning . . . Florence Eldridge, who collapsed early this week, has recovered sufficiently to make her scheduled appearance with Fredric March in scenes from "The American Way" on Kate Smith's show tonight . . . NBC will feed the opening of the San Francisco World's Fair to WHOM . . . Vivian Brown, secretary to Al Simon of WHN, will celebrate a birthday Saturday . . . Ginger Rogers, Rosalind Russell and Adolphe Menjou will bring "Stage Door" to the Lux Radio Theatre on CBS Monday night.

CBS Gets Report on Rural Air Listeners

Hooper-Holmes Co. has completed a survey for CBS of the preferences of radio listeners in rural areas. The study was patterned after the recent study of rural radio ownership and listenership financed by CBS and NBC and directed by the Joint Committee on Radio Research.

Highlights of the CBS report, which consisted of 10,273 personal interviews include the following:

The same programs that win the most urban listeners, Major Bowes, Kate Smith, Eddie Cantor, etc., are leaders on the farm as well; 87 per cent of those interviewed listen regularly to CBS in the evening; 72 per cent listen to CBS in the daytime.

NBC Signs Rockwell To Bolster Blue Net

NBC is instituting a campaign to build up its Blue network, and the first move in this direction is the booking of "Doc" Rockwell in a new series titled "Doc Rockwell's Braintrust." The network plans to book a series of elaborate sustaining shows, and after building them up, offer them to advertisers as a merchandising unit. Supporting Rockwell will be Allan Roth's 30-piece orchestra and a 14-voice choir. The program begins Feb. 21.

George Jessel Signed

George Jessel has been signed for a new local radio series, to be heard over WJZ Wednesdays from 7:30 to 8 P. M. for 20 weeks starting March 15. Pedlar and Ryan is the agency.

Progress Reported In Color Television

London, Feb. 15.—Unusual results are said to have been achieved in color television by the Baird system. It is reported the latest developments show great progress over previous demonstrations of the process. Experiments are being carried on with the greatest secrecy.

Coast Fair Will See New RCA Television

SAN FRANCISCO, Feb. 15.—High definition electronic television will have its first public showing on the Pacific Coast at the Golden Gate Exposition here. RCA has completed construction of a special television building which will house the studios and viewing rooms, in addition to regular broadcasting studios and radio facsimile.

FCC Calendar

WASHINGTON, Feb. 15.—Federal Communications Commission has announced its schedule of broadcast hearings for the current week, as follows:

Feb. 16: Applications of Orville W. Lyerla for a 1,310-kilocycle station at Herrin, Ill., with 100 watts night, 250 watts day, and WJBL, Decatur, Ill., for change of frequency from 1,200 to 1,310 kilocycles, extension of time from sharing to unlimited and increase of day power from 100 to 250 watts; WBOW Terre Haute, Ind., for change of frequency from 1,310 to 1,200 kilocycles; WJBC, Bloomington, Ill., for extension of time from sharing to unlimited; WEBQ, Harrisburg, Ill., for change of frequency from 1,210 to 1,310 kilocycles and extension of time from specified hours to unlimited; KFVS, Cape Girardeau, Mo., for extension of time from specified hours to unlimited, and KTBS, Shreveport, La., for change of frequency from 1,450 to 620 kilocycles and increase of day power from 1,000 to 5,000 watts.

Applications for increases in power have been received by the commission from three broadcasting stations.

An increase of night power from 1,000 to 5,000 watts was sought by KGIR, Butte, Mont., while WBRE, Wilkes-Barre, asked for an increase of night power from 100 to 250 watts, and WFOR, Hattiesburg, Miss., requested an increase of day power from 100 to 250 watts.

The commission on March 2 will hear oral arguments on the applications of the South Nebraska Broadcasting Co. for a 920-kilocycle station at Hastings, Neb., with 1,000 watts power night, 5,000 watts day, which is affected by the application of KROC, Rochester, Minn., for change of frequency from 1,310 to 920 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; and J. Samuel Brody for a new 1,310-kilocycle station at Sumter, S. C., with 100 watts night, 250 watts day, which is affected by the application of WIS, Columbia, S. C., for a satellite station at Sumter, to operate on 560 kilocycles with 10 to 100 watts power.

Banner LINES

OFTEN a network's associated stations are prevented from carrying a network public service feature because of some locally important program or a local commercial commitment. To insure a wider distribution than is now possible—with an eye to the F.C.C.—NBC has adopted a new policy and is now permitting delayed acetate broadcasts of such features. Associated stations may now ask for recordings of such network service programs they are unable to carry because of the local situation. The platters, after the local broadcasting, are shipped back to NBC, where they are destroyed.

▼

Boake Carter will make his first network appearance in a long while when he takes the affirmative in a debate on "Should the U. S. Have Compulsory Army Service?" in the "People's Rally" program over Mutual Feb. 19. Stanley High, who should know better, recently wrote in the Saturday Evening Post that Boake had been "purged" from the airways.

▼

Franchot Tone, now appearing in "The Gentle People" on Broadway, was booked for a guest appearance on Cal Tinney's "If I Had a Chance" Tuesday night. Troubled because he had but about 10 minutes between curtain and air time, Tone staged a rehearsal Monday night, when, with the aid of a "mickey mouse" police car, he made the dash from the stage door to Radio City. The rehearsal showed the trip could be made with about two minutes to spare, and so he kept his air date.

▼

The Parkyakarkuses are expecting a blessed event, and if it's a girl Parky swears he'll name her Sidonia-Karkus.

▼

America's Town Meeting reports a run on tickets from folks in film business for tonight's debate in which Walter Wanger will participate. Calls for tickets have come from United Artists, Warners, M-G-M and Paramount.

▼

Bob Ripley will return to the air in March for the Royal Cola Co., over an NBC network, it is believed.

—JACK BANNER

Margaret Anglin on Air

Margaret Anglin, well known Broadway actress, has been engaged to do a new radio series for the R. L. Watkins Co., through a booking by Blackett-Sample-Hummert. Miss Anglin's series, a dramatic serial script, will be titled "Orphans of Divorce," and will be offered Mondays from 7:30 to 8 P. M. on the NBC Blue, starting Feb. 20. The new program replaces "Alias Jimmy Valentine" for the same client.

Southard Joins CBS Unit

Paul E. Southard has joined the American Record Corp., new CBS affiliate, and will serve in an executive sales capacity. He was formerly merchandise specialist for RCA Victor.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 33 NEW YORK, FRIDAY, FEBRUARY 17, 1939 TEN CENTS

Canadian Film Complaints in Sharp Decline

Arbitration Cases Less Than Half of 1930

TORONTO, Feb. 16.—Cases filed before the motion picture industry's arbitration boards in Canada have declined more than half since 1930. In that year, at peak, there were 553 cases filed, against 238 for 1938.

The decline was general, all zones except Montreal and one other showing a reduction in complaints for 1938. In Montreal 36 more cases were filed last year than were entered in 1937

Value of Claims

The value of the 238 claims filed in 1938 was $92,158.46 for the whole Canadian trade. The number of cases settled before arbitration was 71, having a total value of $18,330.06. The number of awards after arbitration was 121 and the total value of awards was $42,941.21. Four claims, having a value of $1,833.50, were dismissed while the number of claims pending at the end of 1938 was 42, with an aggregate value of $28,103.85. Incidentally, there were 41 pending claims at the end of 1937 so that the score on this point is practically equal in a comparative sense.

Ontario theatres constituted more than one-quarter of all film theatres in the Dominion and the number of claims filed at Toronto last year was 64, or slightly more than one-quarter

(*Continued on page* 5)

'Each Other' Opens With $13,000 Day

Big first day business marked the opening of "Made for Each Other" at the Music Hall yesterday. At 4 P. M. an estimated $4,500 had been taken at the box-office, with $13,000 indicated for the day. Second week of "Wings of the Navy" grossed an estimated $39,000 at the Strand. "Off the Record" starts there today.

"Three Musketeers" goes into the Roxy this morning. "Tailspin" attracted an estimated $35,000. At the Astor, "Pygmalion" held up well in its 10th week with an estimated $13,000, slightly better than the figures for the two previous weeks. "Honolulu" will open on Wednesday at the Capitol, instead of Thursday, in order to take advantage of the holiday trade. "Cafe Society" also will start Wednesday at the Paramount.

FCC Reorganization Attacked in Senate

Washington, Feb. 16.—Proposed substitution of a three-man board for the present F. C. C. was attacked in Congress today by Senator Wallace H. White of Maine, who said that when the Wheeler Bill for F. C. C. reorganization is studied, "it will meet with the general condemnation it deserves."

The Senator directed an attack at Chairman McNinch of the F. C. C., declaring the Wheeler bill reflects McNinch's ideas and makes no changes in the legal framework, with which President Roosevelt said he was dissatisfied.

NBC Television to Be Available for Film Exploitation

C. W. Farrier, NBC's television coordinator, said yesterday that the network's television facilities will be open to film producers to exploit their product by means of short versions of outstanding features. Time will be limited to about 10 minutes per feature. No charge will be made.

NBC is scheduled to start regular daily television broadcasts April 30, coincidentally with the opening of the World's Fair. RKO has made a 10-minute condensation of "Gunga Din," which will be the first film to be televized in this manner. Broadcasts, which will be by W2XBS atop the

(*Continued on page* 5)

Pathe Plan Is Voted; to Form New Company

Laboratories Corp. to Be Set Up in 10 Days

New financial setup for Pathe Film Corp. was approved by a vote of 398,093 to 5,869 at a special stockholders' meeting yesterday. Under the plan a new corporation will be organized to be known as Pathe Laboratories, Inc., which will operate the film laboratories. Du Pont Film Manufacturing Corp. stock will thus be held separately and dividends from this stock will not be subject to depletion from possible operating losses from laboratories.

O. Henry Briggs, president, declared that the new company would be incorporated within the next 10 days. A deal with RKO is pending, as is a deal for the purchase of the International Cinema Laboratories on the coast. If purchased, Pathe will make no investment. Thomas P. Loach, vice-president and treasurer, was elected to the board of directors to replace Gerdon Wattles after the meeting.

Film deals with both World Fairs are proving profitable, the meeting was told, and sales are expected to reach $200,000. Pathe is selling small viewers together with films showing scenes of the fairs.

Yesterday's meeting was marked by many minority protests against the details of the plan. Bernard Reis, accountant, who started injunction proceedings against the first plan in December, stated that he was considering similar action.

U.A. Planning Expansion in Foreign Field

Includes Latin America, France, Australia

Murray Silverstone, executive head of United Artists, yesterday declared the intention of his company to maintain its international policy by boosting its foreign production commitments.

With 40 to 50 per cent of the world revenue coming from the world market, said Silverstone, United Artists plans to foster inter-American film trade relations by sponsoring the production of at least eight and probably 10 features in the Spanish language for Latin-American release this year.

Also, U. A. plans to back "to the limit" the provisions of the Australian quota law and has an understanding with Cinesound studio in Sydney, affiliate of Greater Union Theatres, for the production of one or more features.

Seeking French Films

In addition, the company is negotiating for French films for release in France and French territory.

Besides the British Empire, which gets Alexander Korda's films through U. A., United Artists' foreign policy is concerned with attracting trade in Latin America. This is in conformity with the general policy of the United States in Pan-American relations.

In addition to production commitments with Felipe Mier of Mexico

(*Continued on page* 5)

Wanger Says Films, Radio Have Been Aid to Mankind

Films and radio have made a major contribution to the improvement of mankind in the present century, Walter Wanger declared in a symposium at Town Hall last night on "Has 20th Century Civilization Improved Mankind?" The discussion was aired over the NBC-Blue network.

Participating with Wanger in the discussion were William Lyon Phelps, professor of English Literature at Yale; Harlow Shapley, director of the Harvard Observatory, and Reinhold Niebuhr, professor of Applied Christianity at Union Theological Seminary.

Radio and motion pictures have improved mankind by giving ears and eyes to the public on a scale big enough to cope with major new issues, Wanger declared. Discussing the screen, he said: "During our century the motion pictures have put the present generation in close touch with distant people and great events. The public today is aware of forces and circumstances affecting them which in earlier times they could not visualize nor understand. The newsreels are far in the lead in this service, and the benefits of the film in science and education are already recognized."

Censor Measure Due in Delaware

DOVER, Del., Feb. 16.—A film censorship bill for Delaware, authorizing judges of juvenile courts to pass on questionable films and limiting the length of previews, has been drawn up for presentation in the legislature here in the next few days.

Exhibitors would have to submit films to the judges for study upon application of five or more persons in a community alleging the picture unfit. Sale, leasing and exhibition of films disapproved by judges as obscene, indecent, unmoral, anti-religious or which might debase or corrupt the morals of youth are prohibited in the proposed measure.

The bill also provides no preview could be shown for more than five minutes. Fines of $25 to $100 are provided.

MPPDA Cites Film Gains in 10 Lines

Ten developments were cited in a report on motion picture progress in the last year made by the Motion Picture Producers and Distributors of America. They were:

The industry's self-regulation, community cooperation, quality and size of audiences, box-office reactions to finer pictures, relations with schools, universities, libraries, churches and social workers, plus "a finer technique in photography, color and music," and "the sweep of interest in American pictures."

The report was made by the M. P. P. D. A. through its Community Service Department, of which Mrs. Thomas G. Winter, in Hollywood, is chairman. It is going forward to 18,000 persons who review, rate or otherwise study pictures for social, educational, religious and civic organizations.

Plaintiffs Close in British Acoustic Suit

WILMINGTON, Feb. 16.—Ian Cremieu-Javal of London, managing director of British Acoustic Films, was the closing witness today as the plaintiffs rested in the patent infringement action against RCA and Erpi in the U. S. District Court. He told of filing certain documents in this country just prior to issuing orders directing the institution of the litigation.

Paul J. Larson, former RCA research manager, and now patent consulting expert for Warners, explained the functions of various patents on a film feeding mechanism through sound head projectors and described various patents.

Edward W. Wente of Bell Telephone Laboratories, research physicist in charge of research investigation, was the first witness for the defendants. Wente described various United States patents involving film feeding mechanism on a dozen exhibits entered in evidence by the defendants and traced the film action through various types of projection equipment involved in the suit.

Dismiss Empire Action

N. Y. Supreme Court Justice Timothy A. Leary has dismissed the suit of 12 members of the Empire State Motion Picture Operators' Union, Inc., against the union and its officers and directors, for failure to prosecute. Dismissal of the suit vacates a temporary injunction restraining the union from levying certain assessments against members.

Thomas Sike Dies

MANSFIELD, O., Feb. 16.—Thomas H. Sike, 54, for 11 years stage manager of Warners' Ohio, died at his home following a brief illness. He was a charter member of the Stage Employes' Union. His wife, a son and three daughters survive.

Clarence Hake Due Here

Clarence Hake, 20th Century-Fox managing director in Australia, is due in Los Angeles March 18 on the *Monterey*, en route to New York for conferences with Walter J. Hutchinson, foreign head.

Purely Personal

J. ROBERT RUBIN, M-G-M general counsel, returns today from Florida.

•

A. J. HERMAN, Universal district manager, is visiting the Philadelphia office for a few days, as well as other branches, in connection with the sales drive.

•

GUS W. LAMPE, city manager of the RKO Schine Circuit in Syracuse, is in Florida.

•

ROY HAINES, eastern and Canadian sales manager for Warners, returns today from a brief business trip to New Haven.

•

WALTER READE of Reade Theatres has left for a Florida vacation. He will return about March 1.

•

WALTER HUSTON was tendered a luncheon at the Town Hall Club yesterday in honor of his 37th year on the stage.

•

WILLIAM SANTARSIERO, secretary of Empire State M. P. Operators' Union, returned to his desk yesterday after a week's illness.

•

WILLIAM FEINBERG, secretary of the Musicians' Union, Local 802, returns from Miami Monday.

•

C. Z. ZERN has been appointed manager of the Kansas City district of Altec Service Corp.

•

DONALD R. ST. JOHN of the Jam Handy editorial staff in Detroit has been shifted to the company's New York production unit.

•

MORGAN KAUFMAN will spend a month in Florida. He left New York last week.

ARTHUR BYRON, president of Actors' Equity, celebrates his 50th year as an actor Tuesday. Theatre Guild and the cast of "Jeremiah," in which he is now appearing, will give him a backstage party that evening.

•

FRANK RUBEL, manager of the Pioneer Theatre Corp., Des Moines, and MRS. RUBEL are due next week from a six-week California vacation.

•

TONY MARTIN, on leave of absence from 20th Century-Fox studio, arrives Monday for a two-week personal appearance at the Paramount.

•

BOB DONOHUE of RKO Pathe has returned from shooting winter carnival and Olympic shots in Hanover, N. H., and Lake Placid.

•

TEX RITTER, Monogram western star, has extended his personal appearance tour for two weeks in Georgia and Florida.

•

NATE SANDLER, Iowa theatre operator, and LIONEL WASSON, Central States publicity head, are vacationing in California.

•

LARRY O'REILLY and JOE WALSH are making an RKO Pathe short on aviation stunts, for release next month.

•

GEORGE WASSON, 20th Century-Fox attorney on the coast, returned last night after conferences with E. P. KILROE, home office copyright attorney.

•

JOSEPH LOSEY is producing a three-color animated short for exhibition at the World's Fair.

•

IRVING BERLIN has returned to the 20th Century-Fox studio from Phoenix.

Sunday Local Option Is Voted in Vermont

MONTPELIER, Vt., Feb. 16.—Towns and cities have been granted the right to decide by local vote whether motion pictures and other amusements shall be permitted on Sundays. If approved by local vote, all amusements in the city or town may start at 6 P.M. with the exception of baseball which may start at 2 P.M. An election may be obtained by petition.

Johnson Leaves Ad Job with 20th-Fox

James Johnson has resigned from the 20th Century-Fox advertising department, effective today. On Monday he joins Batten, Barton, Durstine & Osborn as an account executive.

Johnson was with 20th Century-Fox a year and a half, in charge of press book publicity. His post will be filled by Ferd Zeigler, assisted by Rose Natkins, both of the advertising department.

The Newsreel Parade

Included in the contents of the new issues of the newsreels are the Pope Pius rites celebrated throughout the world; Lincoln Day dinner; Flying Cross medal awarded; and a diorama for the New York World's Fair. The reels and their contents follow:

MOVIETONE NEWS, No. 46—Mercy fliers to Chile return. New York dog show. World's Fair diorama. Lincoln Day dinner. Fashions in hats. Lew Lehr. Sea Biscuit loses. Bobsledding at Lake Placid. Female jockey race.

NEWS OF THE DAY, No. 244—Rites for Pope Pius. Airmen hail fliers. Hoover speaks at dinner. Diorama for New York World's Fair. Bobsled run in Lake Placid. Baseball school in Mississippi. Dog show. Female jockey race. Sea Biscuit injured.

PARAMOUNT NEWS, No. 57—Haynes awarded Flying Cross. World's Fair diorama. Justice Brandeis retires. Dog show. Requiems for Pope Pius. Kaiser celebrates birthday. Baseball school. Yacht race in Miami. Sea Biscuit is beaten.

RKO PATHE NEWS, No. 61—Bomber returns from Chile. Lincoln Day dinner. Ski-plane makes inaugural flight. Final homage paid to Pope. Baseball school. New York in miniature. Hotel for unemployed. Bobsled tryouts.

UNIVERSAL NEWSREEL, No. 746—Rites celebrated for Pope. Hoover speaks at dinner. Medal awarded to mercy flier. Fair diorama. Dog show. Sailboat race in Miami. Bobsled tryouts. Sea Biscuit loses. Female jockey race. Tony Galento in Florida.

'Princess' Trailer Uses Herald Rating

Shirley Temple's designation as one of the leading box-office stars in the *Motion Picture Herald* exhibitors' polls of the last four years is featured in a special trailer on "The Little Princess," now available from 20th Century-Fox.

The trailer, which is in color, as is the film, opens with a reproduction of the cover of *Fame*, followed by fadeins of three of Miss Temple's previous films and scenes from the current picture. It runs about 400 feet.

"The Little Princess" will have its world premiere at the Memorial in Boston on Feb. 22. National release is March 17.

Will Rogers Week To Open April 20

April 20 has been set by Major L. E. Thompson as the opening date for the Will Rogers National Theatre Week. Luncheon for sales heads of distributing companies was attended yesterday by Jules Levy, RKO; Eddie Aaron, M-G-M; Alfred Schwalberg, Warners; Rube Jackter, Columbia; Frank McCarthy and William J. Heineman, Universal, and Harry Buckley, U. A. Today, another luncheon will be tendered at the Rockefeller Center Luncheon Club to Will H. Hays and publishers of the trade press.

Grainger Starts Tour

James R. Grainger, president of Republic Pictures, left last night for a four-week tour to set opening dates on "Man of Conquest" in 30 key cities following the premiere at the Majestic, Houston, April 6. Grainger will stop in Chicago en route to Seattle and the studios, returning by the southern route. He is due back March 15.

See 'Daughter' Feb. 23

Date for the screening of "Yes, My Darling Daughter" before three members of the N. Y. Board of Regents was set yesterday for Feb. 23 at 12:30 P. M. at the State Office Building here. The full board will meet the next day in Albany to consider the appeal of Warners from the order banning the film.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

THIS IS MY FIRST SIGNED ADVERTISEMENT

In a very short time the motion picture audiences of the world will have an opportunity to view Miss Shirley Temple in her first Technicolor production, "THE LITTLE PRINCESS." I believe that it is the finest motion picture with which I have ever been associated. For four consecutive years, picture audiences have voted Shirley Temple the most popular star. Frequently I have been asked the reason for this popularity which is so amazingly uniform in every country where motion pictures are shown. After you have seen "THE LITTLE PRINCESS" I am confident you not only will agree with me that the reason lies in the truly great artistry of its star, but that in this picture—little Miss Temple's finest by far—you will have seen one of the most important films turned out by the motion picture industry.

Sincerely,

Darryl F. Zanuck

DARRYL F. ZANUCK
Vice-President in Charge of Production
Twentieth Century-Fox Film Corporation

This statement will appear as an advertisement in the leading newspapers of America.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

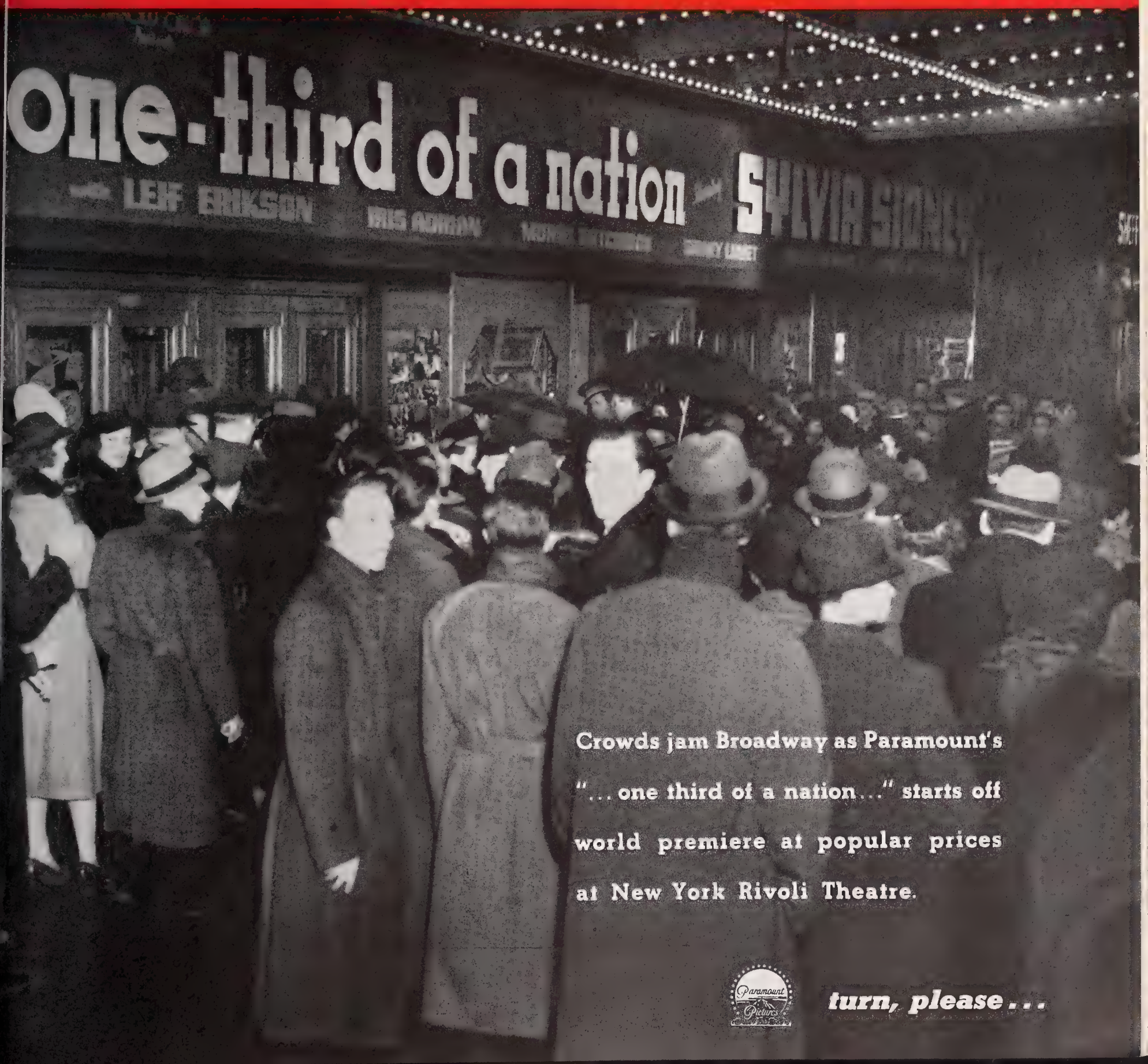
[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Jan. 13	The Thundering West (O) *Starrett Meredith*	Burn 'Em Up O'Connor (G) (C) *Dennis O'Keefe Cecilia Parker*	Convict's Code *Anne Nagel Robert Kent*	Zaza (A) (D) *Colbert Marshall Bert Lahr* (3819)	Mysterious Miss X (G) (C) *Michael Whalen Mary Hart* (809)	The Great Man Votes (G) (C) *John Barrymore Peter Holden*	Charlie Chan in Honolulu (G) (D) *Sidney Toler* (928)	Topper Takes a Trip (G) (C) *Roland Young Constance Bennett*	Son of Frankenstein (G) (D) *Rathbone* Honor of the West *Bob Baker*	They Made Me a Criminal (G) (D) *John Garfield "Dead End" Kids Claude Rains*	Trigger Pals (G) (O) *Art Jarrett Leo Powell Al St. John* (Jan. 13)
Jan. 20	Frontiers of '49 (O) *Bill Elliott DeAlcaniz*			Ambush (G) (D) *Swarthout Lloyd Nolan* (3820)		Arizona Legion (G) (O) *George O'Brien*	Mr. Moto's Last Warning *Lorre; Cortez* Smiling Along *Gracie Fields*		Gambling Ship (G) (D) *Robert Wilcox Helen Mack*	Off the Record *Pat O'Brien Joan Blondell Bobby Jordan*	
Jan. 27	Lone Wolf Spy Hunt (G) (D) *Warren William Ida Lupino*	Idiot's Delight (A) (D) *Shearer-Gable* Four Girls in White (G) (D)	Drifting Westward (O) *Jack Randall*	Paris Honeymoon (G) (C) *Bing Crosby* (3821)	Pride of the Navy (G) (D) *James Dunn Hudson* (822)		Jesse James (G) (D) *Tyrone Power Henry Fonda* (921)			King of the Underworld (G) (D) *Kay Francis Humphrey Bogart*	Exile Express *Anna Sten* (Jan. 20)
Feb. 3	North of Shanghai *Betty Furness James Craig*	Honolulu (G) (M) *Eleanor Powell Robert Young*	Navy Secrets (G) (D) *Fay Wray Grant Withers*	St. Louis Blues (G) (M) *Lloyd Nolan Lamour* (3822)	Home on the Prairie (G) (O) *Gene Autry*	Fisherman's Wharf (G) (D) *Bobby Breen Henry Armetta*	The Arizona Wildcat (G) (C) *Jane Withers Leo Carrillo*		Pirates of the Skies *Kent Taylor Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell Barton MacLane*	Ride 'Em Cowgirl (G) (O) *Dorothy Page* (Jan. 20)
Feb. 10	Texas Stampede *Starrett Meredith*	Adventures of Huckleberry Finn (G) (C) *Rooney Connolly*	Sundown on the Prairie (O) *Tex Ritter*	Persons in Hiding (G) (D) *Overman Naish* (3823)	Woman Doctor (G) (D) *Inescort Wilcoxon*	Boy Slaves (G) (D) *Anne Shirley Roger Daniel*	Tail Spin (G) (D) *Alice Faye Bennett Charles Farrell*	Made for Each Other (G) (D) *Lombard Stewart*	The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne deHavilland George Brent*	Crashing Through (Renfrew Series) *James Newill* (Jan. 20)
Feb. 17	My Son Is a Criminal *Alan Baxter Jacqueline Wells*	Fast and Loose (G) (C) *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport (G) (D) *Paul Kelly June Lang*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers *Don Ameche Ritz Bros. Binnie Barnes*	King of the Turf (G) (D) *Menjou Dolores Costello*	You Can't Cheat an Honest Man *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	
Feb. 24	Let Us Live *Fonda O'Sullivan*	Let Freedom Ring *Eddy L. Barrymore McLaglen*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation (A) (D) Sunset Trail (3857) (G) (O)	I Was a Convict *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Key Woman *Preston Foster Irene Hervey Walter W. King Fred Keating*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	To the Rescue (Renfrew Series) *James Newill* (Feb. 10)
March 3	Romance of Redwoods (O) *Bickford*	Ice Follies of 1939 *Crawford Stewart Lew Ayres*	Mystery of Mr. Wong *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Madeleine Carroll MacMurray*		Twelve Crowded Hours *Richard Dix Lucille Ball*	Wife, Husband and Friend (G) (C) *Loretta Young Baxter*	Stagecoach (G) (O) *Claire Trevor John Wayne Andy Devine*	Risky Business *George Murphy Dorothea Kent*	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	
March 10	Blondie Meets the Boss *Arthur Lake*	Sergeant Madden *Wallace Beery* Pygmalion (G) (C) *Leslie Howard*	Sky Pirate *John Trent Polly Ann Young*	The Beachcomber (A) (C) *Laughton Lanchester*		The Saint Strikes Back (G) (D) *George Sanders Wendy Barrie*	Inside Story *Michael Whalen Jean Rogers*		Spirit of Culver *Jackie Cooper Bartholomew Andy Devine*	The Oklahoma Kid *Cagney Bogart Rosemary Lane*	
March 17	Lone Star Pioneers *Bill Elliott Dorothy Gulliver*	Within the Law *Ruth Hussey Rita Johnson*	Trigger Smith (O) *Jack Randall*	King of Chinatown *Anna May Wong Tamiroff Naish*	My Wife's Relations (C) *Lucille, James and Russell Gleason*	The Flying Irishman *Douglas Corrigan*	The Little Princess *Shirley Temple Richard Greene Anita Louise*	Prison Without Bars *Corinne Luchaire Edna Best Barry Barnes*	Mystery of the White Room *Bruce Cabot Helen Mack*	Adventures of Jane Arden (G) (D) *Rosella Towne William Gargan*	

Paramount's

"...one-third of a nation"

is BOX OFFICE!



Crowds jam Broadway as Paramount's "...one third of a nation..." starts off world premiere at popular prices at New York Rivoli Theatre.

Paramount Pictures

turn, please...

"Paramount's...one-third of a nation"

an eloquent and frequently stirring film. You should not miss seeing it." —*N. Y. Herald Tribune*

"One of the rare occasions on which the movies have turned their attention to controversial, contemporary problems affecting the welfare and happiness of a considerable portion of the population."
—*N. Y. Sun*

"A first rate melodrama that rings with truth. Miss Sidney surpasses herself."
—*N. Y. Daily Mirror*

"A distinct milestone in the progress of the movies. Something to be viewed."
—*N Y Telegraph*

"A real screen triumph." —*Brooklyn Eagle*

"The film is a bitter and biting two-fisted indictment of an unforgivable situation which exists in this country today... the acting is in every way remarkable."
—*N. Y. World-Telegram*

Harold Orlob presents

Sylvia Sidney *in* **"ONE THIRD OF A NATION"**

Leif Erikson • A Dudley Murphy Production • Screen Play by Oliver H. P. Garrett • A Paramount Release

39 Films Now Are Shooting on Coast

HOLLYWOOD, Feb. 16.—Thirty-nine pictures were before the cameras this week, as five finished and six started. Seventeen are in the final preparation stages and 64 are being edited.

Started were: "Maiden Voyage," "Penthouse," "The Kid from Texas," "Within the Law," M-G-M; "They Made Her a Spy," RKO; "American Family," Warners.

In addition to these, shooting were: "Plane No. 4," "Prairie Night," Columbia; "Wuthering Heights," Goldwyn; "Wizard of Oz," "Sergeant Madden," "Tarzan in Exile," "Lucky Night," M-G-M; "Trigger Smith," Monogram; "Union Pacific," "Man About Town," "Invitation to Happiness," "The Gracie Allen Murder Case," "Some Like It Hot," "Beau Geste," Paramount; "What's a Fixer For?" and "They Made Her a Spy," RKO; "Man of Conquest," Republic; "Captain Fury," Roach; "Gone with the Wind," Selznick International; "Alexander Graham Bell," "Rose of Washington Square," "Susannah of the Mounties," "News Is Made at Night," "Stanley and Livingstone," "Charlie Chan in Reno," 20th Century-Fox; "Three Smart Girls Grow Up," "East Side of Heaven," "Risky Business," "Murder in the Surgery," Universal; "The Roaring Road," "Hell's Kitchen," "Confessions of a Nazi Spy," "Each Dawn I Die," "Nancy Drew," "Trouble Shooter," Warners.

Finished were: "The Hardys Ride High," M-G-M; "Mexicali Rose," Republic; "The Hound of the Baskervilles," 20th Century-Fox; "Spirit of Culver," Universal, and "Juarez," Warners.

Columbia and RKO are each shooting on a short subject. Four are being prepared at M-G-M and 14 are being edited.

Fifteen Receive New Contracts on Coast

HOLLYWOOD, Feb. 16. — Fifteen actors, writers and directors were either given new contracts or extensions of their old ones this week.

Warners led with the greatest number, signing Jane Bryan, Maxie Rosenbloom, John Litel, players; William Keighley, director; and Charles Tedford, Lawrence Kimble, James Hilton, Jonathan Finn and Maurice Leo, writers.

M-G-M has given contracts to Jo Ann Sayers and Rand Brook, players; Henry C. Potter, director, and Brown Holmes, writer.

Columbia has signed Rose Stradner, European actress brought over here by M-G-M. Her first picture at Columbia will be "Blind Alley," with Chester Morris, Joan Perry, and Ralph Bellamy.

Billy Cook, youngster at Paramount, has been given a contract extension and a featured role in "Invitation to Happiness," starring Fred MacMurray and Irene Dunne.

Increases Capital

ALBANY, Feb. 16.—Mobile Voice, Inc. has increased its capitalization from $75,000, in $20 shares, to $100,000, with 980 shares of preferred stock at $100, and 2,000 shares of common at $1.

Rooney May Make Picture in England

"Mickey Rooney at Eton" may be M-G-M's next British production, starring Rooney in the part of an American youngster who attends the select English school. Possibilities will be discussed when Ben Goetz, M-G-M studio executive in England, arrives here in March.

Appeal Is Filed on Order in RKO Case

Appeal from an order of Federal Judge William Bondy which waived physical presentation of securities in the RKO reorganization was filed by Ernest W. Stirn, Class A stockholder, in the U. S. District Court yesterday. Stirn contends that bondholders and stockholders were required to present their securities before consenting to the plan and that Judge Bondy was without authority to dispense with this requirement. He is expected to file his appeal from the order approving the plan tomorrow.

Irving Trust Co., RKO trustee, filed a petition yesterday for a further interim allowance of $85,000. It has previously received $155,000. William J. Donovan, attorney for Irving Trust, asked $95,000. He has previously received $245,000. The present applications cover services rendered from Oct. 1, 1937 to Sept. 30, 1938.

Stirn argues that he was the only security holder who filed his claim properly and that all consents to the plan are invalid.

Shift Cosmopolitan Film

"Alexander Graham Bell" will be the first Cosmopolitan production under the agreement with 20th Century-Fox instead of "The Hound of the Baskervilles." "The Return of the Cisco Kid" has been substituted for the Doyle film. "Lawyer of the West" has been retitled "Young Mr. Lincoln."

Cairns to New York

TORONTO, Feb. 16.—John Cairns, guest producer of the Canadian Broadcasting Corp. from Australia, will leave for an inspection of the major studios in New York following the presentation on Feb. 22 over the Canadian network of the comedy drama, "The Resignation of Mr. Bagsworth."

FCC Issues Forms On Station Reports

WASHINGTON, Feb. 16.—Distribution of forms on which broadcasting stations are to report their 1938 financial situation was disclosed today by the F. C. C. Reports must be filed by March 15.

New forms will call for all information covered by the 1937 report, together with the general balance sheet, showing the investment both in broadcasting and non-broadcasting property, liabilities including debt, and net worth.

In addition to station reports, chains in the near future will be required to render similar reports for network operation.

New forms requiring additional data will be used for 1939 and, in order that licensees may devise necessary records for compiling information, will be distributed as soon as completed to save station operators the necessity of analyzing their books for a full year when the time comes to file returns.

To Hear U. A. Trust Suit Motion Today

Government's motion to examine officers of United Artists before trial in the anti-trust suit comes up for hearing in the U. S. District Court at 10:30 A. M. today. Although the new Federal Court rules have made pretrial examinations much easier to obtain, the present Government motion is regarded as unusual in legal circles here because U. A. has not yet filed its answer to the complaint.

The Government bases its plea on on two grounds: first, that U. A. is the only defendant which has already asked for dismissal of certain portions of the complaint and has indicated that it will move for dismissal of the entire bill, and second, that U. A. is the only defendant which refused to answer a Government questionnaire sent out prior to the suit. O'Brien, Driscoll & Raftery, attorneys for U. A., will argue that these grounds are not sufficient.

Abbott in WNEW Deal

Producer George Abbott has signed with WNEW for spot announcements in behalf of his stage plays on the station's "Milkman's Matinee" program. Additional contracts recently placed with the station are for the Charles E. Hires Co. and Rodney Benson, Inc.

9,470,900 Rural Families Own Radios, Report Shows

Findings in the Joint Committee's study of rural radio ownership and use, containing data on actual rural ownership of receiving sets, their locations in terms of geography and economic groups, and similar statistics, were released yesterday by the committee, whose work is underwritten by CBS and NBC.

The study discloses that there are 9,470,900 rural radio families, as compared to 17,195,600 urban radio families.

home radio sets were tabulated at 549,312, while seven years is the average number of years radio families have owned those sets. Radio families owning an auto-radio, the committee reported, number 1,269,101.

Rural listening habits were found to be as follows:

Average weekday (Monday through Friday), 8,438,572 listeners; Saturdays, 8,315,450; Sundays, 8,163,916. Average hours of daily use of radio, based on all sets owned, were 4:47, and, based on sets in use some time during the total day, 5:18 hours.

Sign Deal for CBS Purchase Of World Unit

Reports that CBS contemplated the purchase of the World Broadcasting System, major electrical transcription company, were substantiated yesterday when William S. Paley, president of CBS, disclosed that contracts for the purchase have been signed.

After a period of examination, and contingent upon the working out of several corollary agreements, CBS will acquire control from Percy L. Deutsch, president of World, who will continue with the transcription company in the same capacity.

The deal when completed will mark the second important industrial purchase by CBS, the network having recently acquired the American Record Corp.

Paley said that although World and American Record Corp. would use the same studios and equipment, the two companies would be operated as separate subsidiaries of CBS.

Disaster Emergency Unit Set by Crosley

CINCINNATI, Feb. 16.—A disaster organization, approved by James D. Shouse, vice-president of the Crosley Corp., in charge of broadcasting, has been formed here by which WLW, WSAI and W8XNU automatically become an integral part of Red Cross emergency relief work, and would continue to broadcast with remote equipment, even if the studios might be destroyed in a major disaster.

Station personnel would be turned into an emergency organization on less than one hour's notice. In an unusual catastrophe, the studio and remote control announcers, newsroom staff, program, traffic, telephone, public relations, network broadcast and technical departments would be required to report immediately, and shift to a duplicate 12-hour basis. Coordination of WLW and WSAI with the Red Cross would be through a liaison staff headed by Joseph Reis, educational director, with Herbert Flaig, special events director, as an alternate.

Radio Group Named For Catholic Drive

Bradley Kelly of King Features has been named chairman of the radio committee of the Cardinal's Committee of the Laity for 1939. Selections for the committee thus far include Al Cormier, formerly WINS; Dave Driscoll of Mutual, Frank Dunham of NBC, Floyd Gibbons and John B. Kennedy; Alfred J. McCosker, president of WOR; Louis Ruppel and Elliott Stuckel of CBS, and Andrew Burke. The group will solicit special gifts in connection with the 1939 Catholic Charities Appeal.

RKO Pathe to Move

LOS ANGELES, Feb. 16. — RKO Pathe's branch office, recently established at the RKO exchange here, will move to 8611 Sunset Blvd., Beverly Hills, March 1.

COLUMBIA SIGNS

FRANK LLOYD

Distinguished Director of "Cavalcade," "Mutiny On The Bounty," "Wells Fargo," "If I Were King"...

TO PRODUCE AND DIRECT

"THE TREE OF LIBERTY"

Mighty patriotic novel by Elizabeth Page. Vivid and intensely dramatic story of America's beginning...her struggle for independence and the early years of THESE UNITED STATES.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 34 NEW YORK, MONDAY, FEBRUARY 20, 1939 TEN CENTS

Strike Threat By Directors' Guild Averted

Producers Get 3 Weeks To Come to Terms

HOLLYWOOD, Feb. 19.—Threatened "drastic action" of the Screen Directors' Guild was averted for three weeks as a result of two meetings Friday.

At the first meeting, between Frank Capra, president of the guild, and a producers' committee, an amicable settlement of a two-year-old dispute over a bargaining contract was promised.

Threat of a walkout was averted at the second meeting, that of the guild board of directors. It was decided to give the producers three weeks in which to come to terms over two points—wages and working conditions of assistant directors and unit managers. The resolution adopted at this meeting had threatened "drastic action up to and including a strike."

Schenck Issues Statement

Following the producer session, Joseph M. Schenck, president of the A.M.P.P., issued a statement which said:

"The relationship between directors and producers is most cordial. Negotiations which have been in progress are being continued with full expectation that an agreement satisfactory to all concerned will be concluded within a few weeks. There has been thorough discussion of all points and we expect to reach an understanding which will be not only fair to direc-

(*Continued on page* 4)

Schaefer, Wilcox Revising Program

Readjustment of the cooperative producing arrangement between RKO and Herbert Wilcox is being worked out between George J. Schaefer, head of RKO, and the British producer.

Both arrived Friday from the coast, where Schaefer spent three weeks on his first trip to the studio. He said the new season's program is in work.

The original agreement between Wilcox and RKO called for a new company, Imperator Radio Pictures, Ltd., to produce two to four films a year for RKO release. Production will be in England and Hollywood.

Anna Neagle, who is to make a film in Hollywood under the deal, is due the end of March.

Estimate 20th-Fox Net at $7,200,000

Net earnings for 1938 by 20th Century-Fox will be $7,200,000, it is estimated. The figure will be more than $1,000,000 under the 1937 net of $8,617,114. First half of 1938 netted $3,419,658, with an appreciable increase in the final quarter.

B. & K. to Get Bill Of Particulars; US Subpoenas Quashed

CHICAGO, Feb. 19.—Federal Judge Woodward on Friday granted in part the motion for a bill of particulars sought by B. & K. and major company defendants in the Government's anti-trust suit.

The court also ordered quashing of subpoenas which had been served by the Government on major company officials and circuit executives.

The ruling makes it almost necessary for the Government to reveal its case as virtually all important information sought by the defense must be shown in the bill. Robert L. Wright, assistant U. S. Attorney General entered a strong protest, but was overruled.

The court gave the defense 20 days to answer after the bill of particulars is filed.

See Final Trade Draft This Week

Final draft of the proposed trade practice program is expected to be completed by the distributors' committee this week.

It will be subject to further changes in conference with Abram F. Myers, Allied States general counsel. The committee is attempting to reconcile his version with the draft previously submitted. Additional changes are expected to be minor.

The completed draft will go before exhibitor groups for adoption probably without further conferences with the distributors. Exhibitor action may be taken in about 10 days.

Columbia Heads Due To Reach N Y Today

Columbia executives, including Jack Cohn, president; A. A. Schneider, treasurer; A. Montague, general sales manager, and Joseph A. McConville, foreign manager, arrive today from the coast where they planned the company's future program.

SPEED TRUST SUIT, MURPHY DEMANDS

6,108 Theatre Deals Closed By Monogram

Monogram has closed 6,108 theatre deals for its current product to date and had an operating profit for November and December, 1938, of $37,132, W. Ray Johnston, Monogram president, points out in his annual report to stockholders.

The report shows an increase of several hundred accounts for the 1938-'39 program and an improvement in dollar volume of more than 30 per cent in deals covering the same situations in 1937-'38.

For the year ended Dec. 31, 1938, the company and its wholly-owned subsidiaries reported an operating loss of $180,861. Johnston, in explanation of the loss, declared that the depressed business conditions of the year, "particularly severe upon the motion picture industry," were a handicap to a new enterprise in its first year's operations.

Advantageous deals have been closed for the distribution of Monogram product in 34 foreign countries, comprising most of the important territories where a market for American films exists, Johnston reported. This is a marked improvement over the previous year, when deals were obtained with only eight foreign

(*Continued on page* 4)

20th-Fox Sales Meet May Be Held Earlier

National sales convention of 20th Century-Fox originally planned for April 14 to 16, may be held the first week in April. It will be in Chicago. Decision is to be made on whether salesmen and bookers will attend.

Darryl F. Zanuck is scheduled to make 28 of the 48 features to come from Hollywood in 1939-40. Sol M. Wurtzel will make 20. In 1938-39 Zanuck is making 24 and Wurtzel 28. First new season film, "Stanley and Livingstone," is in production.

The company will finance 100 per cent the eight films to be made by Gainsborough in England. Four will be released here.

Bondy Giving Precedence To Consideration of Pending Motions

In response to a request by U. S. Attorney General Frank C. Murphy, Federal Judge William Bondy will devote the major portion of his time, beginning today, to consideration of pending motions in the Government anti-trust suit against major companies. The request was made known Friday at a hearing on a Government motion for examination before trial of the United Artists group of defendants.

Contents of the letter were not made public but in the conversation between Judge Bondy and Paul Williams, special assistant attorney general, it was disclosed that Murphy had written to the court requesting prompt disposition of the motions which were argued in November. Judge Bondy consulted senior Judge John C. Knox and received permission to give the Government suit precedence. In response to a direct question from the bench, Williams responded that no criticism of the court was intended by the letter. Motions under consideration since November are requests by all defendants for bills of particulars and a motion by U. A. to strike out portions of the complaint.

Friday's motion, on which decision was reserved, was brought by the Government to examine before trial A. H. Giannini, George J. Schaefer, Harry D. Buckley, Arthur W. Kelly,

(*Continued on page* 4)

US Asks Moses to Weigh Divorcement

BISMARCK, Feb. 19.—U. S. Attorney General Frank Murphy has asked Governor John Moses to give the matter of signing the theatre divorcement repeal measure serious consideration.

Interest of the Federal Government in the North Dakota bill for repeal which was passed last week has been evidenced by the presence here of U. S. District Attorney Lanier of Fargo. Action of the legislature may have a bearing on the U. S. anti-trust suit pending in New York.

The measure has been signed by Speaker Hagen of the House and Senate President Patterson. If the Governor neither signs nor vetoes the measure it automatically becomes law.

Purely Personal

SI SEADLER of M-G-M planed out Friday for the studio. He will join the other cowboys at the B-Bar-H ranch for a vacation. M. LINCOLN SCHUSTER will come out later. SEADLER returns in three weeks.

•

J. P. O'LOGHLIN, Canadian district manager for 20th Century-Fox, planned to enter the hospital for an operation on his return to Toronto from the New York home office meetings.

•

ED FAY held a party for native son GEORGE M. COHAN at the Biltmore after the opening of "I'd Rather Be Right" in Providence Friday night.

•

PAUL STRAND, director and photographer of "The Wave," will be honored Washington's Birthday at a dinner given by the Committee for Pan American Democracy.

•

ROBERT E. RUSSELL, manager of Loew's Poli, New Haven, has completed 20 years with the circuit. He started as assistant auditor with the late S. Z. POLI.

•

WILLIAM SISTROM, producer of the "Saint" series for RKO, sailed Saturday on the *Aquitania* for London, where he will produce "The Saint in London."

•

VYVYAN DONNER will begin tomorrow a three-day shooting schedule on the third of the series of "Fashion Forecasts" in color for 20th Century-Fox.

•

SAM ECKMAN, M-G-M manager in England, left Friday for the studio with MRS. ECKMAN. They plan to sail for London in three weeks.

•

JOE VOGEL, TOM CONNORS and R. J. O'DONNELL of the Interstate Circuit left over the weekend for Florida. They may stay three weeks.

•

PATRICK MURPHY has been placed in charge of the recently reopened Jam Handy sales contact offices in Washington.

•

ARTHUR A. LEE, G. B. vice-president, is due today from Miami. He was expected to stop off in Wilmington en route.

•

LOU POLLOCK, Universal eastern advertising director, is due back Thursday from the coast. He left Friday.

•

WALTER J. HUTCHINSON, 20th Century-Fox director of foreign distribution, is due today from Florida.

•

MARGARET LECZER, secretary to W. F. RODGERS at M-G-M, has returned from Ft. Lauderdale, Fla.

•

E. M. SAUNDERS, M-G-M division manager, returns today from a Florida vacation.

•

SIR ADRIAN BAILLIE, associate of DOUGLAS FAIRBANKS, SR., is in Palm Beach.

•

DAVE PALFREYMAN is recovering from the effects of a tooth extraction.

Comerford's Will Continues Frank C. Walker in Control

SCRANTON, Feb. 19.—Under the will of M. E. Comerford, late theatre circuit owner, Frank C. Walker, a nephew and national treasurer of the Democratic party, is given full power to continue and manage the Comerford interests.



Frank Walker

In the will, filed for probate here Friday, the personal property is valued at "over $100,000." Real estate holdings, included in personal property, are valued at "over $10,000."

Two of the principal beneficiaries in the will, executed July 27, 1934, have died since then. They were Andrew Comerford, a brother, and M. B. Comerford, a nephew. The latter had been one of the most active executives in the Comerford enterprises, which included 100 motion picture theatres.

Comerford directed that all his stock in the Penncom Corp. go to Walker, vice-president and general manager of Comerford Theatres Co., and another nephew, the late Michael B. Comerford, who formerly held the position now occupied by Walker. Michael B. Comerford, who was vice-president of the company for 15 years, died on Dec. 2, 1935, of injuries incurred in an auto accident.

The will provides that the stock be sold at the end of 15 years and the proceeds paid into the residuary estate for distribution to the residuary legatees. The trustees are empowered, if they deem it wise, to dispose of the stock prior to the expiration of the 15-year period fixed in the will.

Widow and Daughter Named

Other principal beneficiaries under the will are the widow, Margaret Comerford, and a daughter, Mrs. Marial Comerford Friday.

In addition to an outright bequest of $5,000 to be paid immediately, Mrs. Comerford was bequeathed one-third of the residuary estate. She also received the Comerford residence here with furnishings, personal property and automobiles.

Marial Comerford is to receive real estate at 116 South Hyde Park Ave., West Scranton, which consists of a lot and two dwellings. She also is to receive a one-ninth share of the residuary estate.

Comerford's nieces and nephews are to benefit substantially by his will. He directed that a one-ninth share of the residuary estate be awarded, share and share alike, to his nieces and nephews who are children of his deceased sister, Ellen Comerford Walker. A similar share is to be divided among the nieces and nephews who are children of Comerford's other deceased brother, Patrick J. Comerford.

A one-ninth interest is also to be divided, share and share alike, to the nieces and nephews who are children of Comerford's deceased sister, Mary Comerford Collins.

Brother Gets Ninth

One-ninth shares in the residuary estate also were bequeathed to a brother, John Comerford, Los Angeles, Comerford's only surviving brother, and to Comerford's sister, Margaret Carey, of Scranton, the only surviving sister. He bequeathed a monthly annuity of $125 to his brother, Andrew, who died less than six months ago in Los Angeles, after the will was executed.

The will contains a clause wherein Comerford stated that while he anticipated "no obstruction to the amicable administration of my estate, any beneficiary of the will who contests its validity will be divested of benefits and his or her share paid into the residuary estate."

Can Name Trustee

The executors, Frank C. Walker and the late Michael B. Comerford were authorized to convert any of the real estate or personal property into cash at their discretion. Walker, under the will, is given full power "to continue and manage my business," and was empowered to name a substitute trustee for the Penncom stock trust fund in event of death.

The will was witnessed by Attorneys Nathaniel H. Cowdrey, Edward W. Warren and Reese H. Harris, all of Scranton.

Special Sale of Fair Ticket Opens Friday

Advance sale of admission tickets to the New York World's Fair 1939 will begin Friday. Metroplitan New Yorkers will be enabled for a short time only to buy several types of tickets including a souvenir book at less than the regular cost later.

N. V. A. Benefit Held

The second annual benefit show sponsored by the National Variety Artists since its reorganization was held last night at the Alvin Theatre. Performers included Lew Lehr, Rudy Vallee, Jimmy Durante, Sophie Tucker, Victor Moore, Bill Robinson, Molly Picon and others.

Warners' Drive Led By Eastern District

Warners' Eastern District, captained by District Manager Ed Schnitzer, is leading in the Sears drive which has reached the half-way mark. Central district, Robert Smeltzer, manager, is in second place. The annual 16-week sales contest is running 12 per cent ahead of the high mark set for the same period last year.

W. E. Net $5,734,033

Western Electric Co. and subsidiaries has reported net earnings carried to surplus for the year ended Dec. 31, 1938, of $5,734,033, which compares with net earnings carried to surplus as of Dec. 31, 1937, of $19,514,197.

20-Year Reward

San Francisco, Feb. 19.—Joseph O'Connor, manager of the State, has been given a three-month leave of absence and a trip to Europe, as a reward for 20 years of service with Golden State Theatres. During his absence the State will be managed by Bert Kennerson of the circuit's San Francisco office.

Syracuse Theatres Raise Price Levels

Minimum price levels have been increased at Syracuse theatres as a result of an agreement reached between the RKO Schine and Loew first runs and the independent subsequents.

The independents are pledged to discard five-cent admissions and charge a minimum of 10 cents, with no attempt to circumvent the scale through passes, rebates, tokens, two-for-ones or other means.

The first runs have agreed to increase children's admission from 10 to 15 cents. The city-wide agreement is effective Thursday.

The agreement was worked out by J. J. O'Connor, head of RKO theatres and Schine executives and Joseph R. Vogel of Loew's. Three Schine theatres will be effected and one Loew house.

Schine theatres have also abandoned the practice of showing two preview films with two program features on change nights. The four-feature attraction was offered once weekly. The local New York Allied unit filed a complaint with the Department of Justice through Harry G. Kosch, Allied state counsel, but the practice was discontinued by the Schine circuit before the Department's investigators could act.

Allied Units to Meet

Allied of New York's Buffalo unit will meet today at the Statler Hotel and the Syracuse unit will meet Thursday. E. Thornton Kelly, state executive secretary, who has been vacationing in Milwaukee and Chicago, will attend both meetings.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

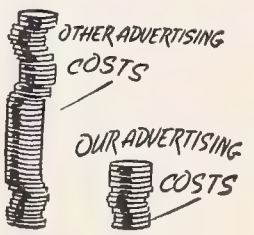
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

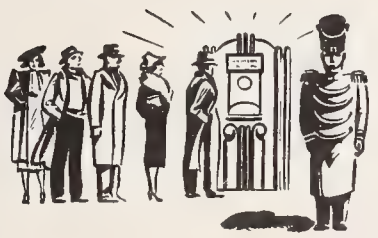
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

More for your money  more people see it  more people read it  more people are  by it and costs less 

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Prize  Baby of the Industry!

MOTION PICTURE DAILY

Monday, February 20, 1939

N Y Legislature to Consider 20 Bills Affecting Industry

About 20 bills affecting the industry directly or indirectly have been introduced or are planned for introduction in the New York legislature. This was disclosed at a meeting Friday of theatre representatives and attorneys to discuss the situation.

The meeting was called by Harry Brandt, I. T. O. A. president. Pending legislation was analyzed and the conference agreed that exhibitors in the state must be on the alert to prevent additional burdens. Additional meetings will be held during the legislative session.

With a higher budget called for by Governor Lehman, it was pointed out that theatres are in danger of being saddled with additional taxes. About a half dozen tax measures affecting theatres or real estate are in the hopper, including a ticket tax and sales and turnover levies. There are also bills for two operators in a booth and measures to license engineers and other theatre employes, among others.

Attending the meeting were J. H. Walters, RKO theatres attorney; Dave Palfreyman, Hays office; Arthur Israel, Paramount; Melvin Albert, I. T. O. A. attorney; Harry G. Kosch, New York Allied counsel; Louis Frisch, Randforce; Archie Weltman and Mike Rosen, Loew's; Norman Steinberg, 20th Century-Fox; Frank Phelps, Warners; Al Reid, Fabian circuit; Harry and Bernard Brandt and Lionel Toll, I.T.O.A.

James F. Reilly, executive secretary of the League of N. Y. Theatres, has stated that his organization would fight any legislation designed to increase taxes on admissions. Frank Gillmore, president of Associated Actors & Artistes of America, declared that the legislature "was trying to tax the theatre to death," and that all member unions would fight the bill.

Admissions Are Affected

ALBANY, Feb. 19.—Two per cent gross sales tax proposed by Senator McNaboe includes facilities which are defined to include "admission to any place of amusement, or entertainment, and/or performances of any kind or character, and hotel and club accommodations." A retail sale is held as the person or persons who, among other things "furnishes services and/or facilities."

Examination Sought In Newburgh Action

Application will be made today to Federal Judge Edward Conger by 20th Century-Fox Film Corp., Paramount Pictures, Inc., Joseph Lee, George Walsh, Eugene Levy and Netco Theatres Corp. for an order directing four officers of Orange County Theatres, Inc. and Miller & Sherry Enterprises, Inc., to testify before trial.

Applicants, with RKO Radio Pictures, Inc., and United Artists Corp., are defendants in a suit for $225,000 damages brought by Orange County Theatres, which charged violation of the Sherman Anti-Trust Act in distribution of pictures in Newburgh, N. Y.

'Swan' Is Only Play Opening This Week

Only legitimate stage opening scheduled for this week is "Miss Swan Expects" which bows in at the Cort tonight. Written by Sam and Bella Spewack, it is a story about the publishing business with a ghost writer and his rattle-brained wife as the central figures. Spewack directed and William Harris, Jr. produced. Included in the cast are John Beal, Peggy Conklin, Ann Andrews, Joyce Arling, George Nash, John Williams and others.

Avert Strike Threat Of Directors' Guild

(*Continued from page* 1)

tors and producers but will be beneficial to the industry as a whole."

The guild statement said that the producers, through the A.M.P.P., have written a letter recognizing the guild as constituted and accepting all "points in the guild's original program with the exception of two which, they assure us, can be brought to a successful conclusion if we grant them three weeks' time."

The statement ended with: "Accepting this as a declaration of good faith, the board of directors has granted this request."

Present at the producer confab, which Capra addressed, were Schenck, Louis B. Mayer, Samuel Goldwyn, Harry Warner, Jack Warner, Y. Frank Freeman, Pandro S. Berman and J. R. McDonough. Studio attorneys present were Mendel B. Silberberg, Walter K. Tuller, Henry Herzbrun, Herbert Preston, Edwin J. Loeb and Alfred Wright.

6,108 Theatre Deals Closed by Monogram

(*Continued from page* 1)

countries. Pathe Pictures, Ltd., has exercised an option to extend its distribution of Monogram product in Great Britain through the 1940-'41 season at more favorable terms, according to the report.

Johnston plans to leave for the coast about March 1 to conclude conferences with Scott R. Dunlap, vice-president in charge of production, on the 1939-'40 program.

Set "Ballerina" Contest

Arthur Mayer and Joseph Burstyn, distributors of "Ballerina," have inaugurated a contest for the best letter on "What I Liked Best in Ballerina, and Why," in conjunction with Lentheric and *Dance Magazine*. A trip to Paris is offered.

Engel Joins Selznick

HOLLYWOOD, Feb. 19.—Sam Engel tomorrow will join Selznick International as an associate producer to make three pictures a year. He formerly was with 20th Century-Fox and recently with Paramount.

New Schine Company On Rochester Units

GLOVERSVILLE, N. Y., Feb. 19.—Schine Enterprises have completed the setup for the operation of the four Rochester theatres acquired from Albert A. Fenyvessy, creating a new subsidiary, Schine Rochester Corp.

Managerial changes brought about by the deal send Edmund C. Brandhorst into the Madison, Lee Stern to the West End, Wallace P. Folkins to the Lake and Joseph Klein to the Monroe.

Babb Joins Schine Circuit

Kroger Babb, advertising director for Filmack Trailer Co., Chicago, has resigned to join the Schine circuit, assigned to the northern Ohio territory, with headquarters in Mt. Vernon, O.

Speed Trust Suit Murphy Demands

(*Continued from page* 1)

Loyd Wright, Harry J. Muller, Mary Pickford, Dennis F. O'Brien, Edward C. Raftery, Charles Chaplin, Douglas Fairbanks, Samuel Goldwyn, Walter Wanger, David O. Selznick, Alexander Korda, Hal E. Roach, Edward Small and Fortunio Bona Nova. In addition, examination is sought of the secretaries and principal officers of United Artists Corp., Walter Wanger Productions, Selznick International Pictures, Inc., Samuel Goldwyn, Inc., London Film Productions, Ltd., Douglas Fairbanks Pictures Corp., Albion Films, Ltd., Hal Roach Studios, Inc., Edward Small Productions, Inc. and the Mary Pickford Company.

Although both sides were in agreement that the Government would be entitled to the examination after it submits its bill of particulars and the defendants serve their answers, Benjamin Pepper, of O'Brien, Driscoll & Raftery, attorneys for U. A., contended that the attempt at the present time was premature. He asserted that after 15 years of investigation by the Government of the industry, no violations of anti-trust laws in the production end of the business by U.A. had been alleged in the complaint.

Refused Answers in 1936

Williams stated that the examination was made necessary by the U. A. refusal to answer a questionnaire sent out in 1936. He said that the effort by U. A. to strike out portions of the complaint would be countered with a motion to amend the complaint if the examination revealed the necessary facts.

Louis Frohlich, of Schwartz & Frohlich, attorney for Columbia, and Louis Phillips, of Phillips & Nizer, attorneys for Paramount, both joined the opposition although neither company is sought to be examined. Frohlich declared that other defendants might be bound by testimony of witnesses in the proposed examination. Phillips urged the court to delay the inquiry until after the bill of particulars motion is decided.

Judge Bondy appeared to be of the opinion that under the new rules all examinations should be granted with liberality. There are approximately 700 pages of briefs and affidavits to be studied on the earlier motions, he said, and indicated that all would be decided together.

Associated Actors Reject TMAT Bid

Informal inquiries by the Theatrical Managers, Agents & Treasurers Union to the Associated Actors & Artistes of America, parent body of actors' unions, for affiliation have been rejected, it was learned Friday. The A.A.A.A. passed a resolution two weeks ago in which non-actors are barred from membership and the T.M.A.T. was rejected on that ground.

International board of the A.A.A.A. will meet today to outline procedure in the investigation of the American Federation of Actors which was requested by Ralph Whitehead, executive secretary, in response to charges. Later in the week, a committee will meet to study changes in rules for interchangeability of cards between members of the various branches of the 4 A's. Committee consists of the executive secretaries of the branches.

Graham Is Appointed To Dufaycolor Board

John Cecil Graham, former managing director for Paramount in Great Britain, has been appointed to the Dufaycolor Co., Inc., board here as a representative of Dufaycolor Chromex of England.

Graham is vice-chairman of the British company, which formerly was the parent of the American corporation. Col. L. R. Naftzger is the other Dufay Chromex member of the Dufaycolor board. Graham arrived Friday on the *Aquitania*.

Hammons on Coast For Program Talks

Grand National's status and production program will be disclosed by E. W. Hammons, president, on the coast with Jack H. Skirball, production head, and Franklyn Warner, head of Fine Arts, contributing producer.

Hammons arrives on the coast today from New York and expects to return next Monday. A decision on whether there will be any Educational shorts will be made during the conferences.

Consolidated Film Meeting March 23

Consolidated Film Industries, Inc., of which H. J. Yates is president, will hold its annual stockholders' meeting March 23 at the company offices.

The company has declared a dividend of 25 cents on the $2 cumulative preferred stock, payable March 15 to stockholders of record March 1, leaving arrears of about $7.

Walter Lang Is Ill

HOLLYWOOD, Feb. 19.—Due to illness, Walter Lang has withdrawn from the direction of the Shirley Temple film, "Susannah of the Mounties" at 20th Century-Fox. William Seiter has replaced him.

"Spring" Now "Zenobia"

HOLLYWOOD, Feb. 19—Title of the forthcoming Hal Roach picture has been changed from "It's Spring Again" to "Zenobia." Billie Burke, Alice Brady, Oliver Hardy and Harry Langdon are featured.

Personnel Moves

SHIFTS IN DENVER

DENVER, Feb. 19.—Harry Golub, former manager of the Orpheum, has taken over and is operating the Yacht Club, night spot. C. A. Mulock has resigned as manager of the Bideawee. Julian Guttierrez succeeds him. Kenneth Richards, Granada manager, has gone to California on a vacation. Si Ge[illegible] has gone from the Rex to the Granada and George Milton is managing the Rex.

KANSAS CHANGES

KANSAS CITY, Feb. 19. — Homer Ellison, who has been in Denver for National Screen, has been appointed salesman in western Kansas. Ted Stiles, who has been auditor for the W. D. Fulton group of theatres, has been appointed as office manager for National. Bill Grant has been named as assistant manager of the Fox Waldo.

SHIFTED BY PAYETTE

WASHINGTON, Feb. 19. — John J. Payette, general zone manager for Warners, has named Nelson Smith manager, and Earl Heatwole, Raymond Burch, James Thompson, George Page and Eugene Wilson assistant managers of various theatres in the circuit.

JOINS ROYAL CIRCUIT

SAN FRANCISCO, Feb. 19. — Jack Daley, display manager at the Capital, has resigned to handle all advertising and promotion for the Royal Amusement Co., Ltd., Honolulu, operating theatres in the Hawaiian Islands.

GINSBURG TO N. H.

NEW HAVEN, Feb. 19.—Lewis S. Ginsburg, with United Artists in New York for the past six years, has been appointed salesman for this exchange territory, following Reville Kniffen's resignation.

WARFIELD MANAGER

SAN FRANCISCO, Feb. 19.—Richard Warfield, treasurer at the Fox has been appointed house manager at the Warfield.

TOMPKINS IS MANAGER

CHICAGO, Feb. 19.—Charles Tompkins has been named manager of the newly remodeled Vogue in East Chicago. The Indiana-Illinois circuit operates the house, which has been completely renovated and refurnished at a cost of $75,000.

FRIEDEL TRANSFERRED

KANSAS CITY, Feb. 19.—George Friedel has been transferred from the 20th Century-Fox exchange here, where he has been a booker two years, to Oklahoma City as head booker, succeeding W. T. Clark, resigned.

STEWART G. N. MANAGER

CINCINNATI, Feb. 19.—Cy Stewart has been appointed manager of the local Grand National branch, succeeding Nick Schaefer, who recently resigned to devote his time to the Shirley and Family, Covington, Ky.

MOVE WARNER MEN

WILMINGTON, Feb. 19.—Changes in the management of Warners' Aldine, Queen, and Arcadia here have been made by Zone Manager A. J. Vanni. Richard V. Kirsh, Queen manager, has been promoted to the Aldine, succeeding Lewis S. Black, promoted to the new Warner. Sidney Munter, Arcadia, will replace Kirsh at the Queen, while the Warner district office will supervise the Arcadia with Stanley Zebrowski, assistant manager of the house, remaining in that capacity.

SCHINE SHIFTS

GLOVERSVILLE, Feb. 19.—Pat McGee, formerly with Paramount in New England, has joined the Schine organization and is being sent to Syracuse to manage Schine's Eckel. Harold Reaves goes in as manager of Paramount and David Freeman into Strand, both in Syracuse. Freeman replaces Walter League who is to manage Schine's Palace, Auburn.

HIGH POINT, N. C., SHIFTS

HIGH POINT, N. C., Feb. 19.—Joe Edmondson, formerly manager of the Carolina theatre, has been transferred to the Paramount theatre as manager there. Dave Garvin assumes management of the Carolina theatre succeeding Edmondson. Charles Connor, former assistant manager of the Paramount, is being transferred to the new Center.

Hollywood Previews

"Let Freedom Ring"

(M-G-M)

HOLLYWOOD, Feb. 19.—They don't quite wave the American flag to wind up "Let Freedom Ring." A different but just as effective gag to put the customers in a mood to stand up and cheer is adopted. The robber barons have been foiled, Nelson Eddy's stirring, stump speech has taken care of them; then Virginia Bruce starts to sing "My Country 'Tis of Thee," Eddy picks it up, Victor McLaglen joins in, the all-nation mob of immigrant railroad builders who have come to America in search of freedom and the chance to pursue happiness, and the pioneer settlers, roar the lyrics, at which point the preview audience stood up and cheered.

Popular entertainment from first to last, "Let Freedom Ring" also is as subtle a bit of good-Americanism propaganda as could be imagined. Vested interest, land-grabbing railroad builders who dignify their depredations by calling them "progress," are robbing the common people, farmers, ruthlessly. Lionel Barrymore's common people are powerless to arrest dynamic Edgar Arnold's blackjacking. Then the hero of the masses, Eddy, comes home. Instead of immediately becoming an avenging angel, he turns into what looks like a traitor to his own cause. Barrymore disowns him, his girl, Miss Bruce, loathes him, his comedy stooge, Charles Butterworth, can't figure him out, and he becomes Arnold's singing jester. But Eddy publishes papers that sow the seeds of discord among Arnold's plug-uglies. He beats the tar out of and knocks sense into McLaglen's head when that worthy tries to stop him. Invading Arnold's stronghold, Eddy delivers his "America first, last and always" oration, Miss Bruce begins "America," everybody joins the chorus and the villain slides out of the picture.

Basically, the picture is fictionized history with music. It's brimful of powerful exploitation potentialities in story, moral, production and personnel values. In preparing the original screenplay, Ben Hecht merely availed himself of the a-b-c's of photoplay writing. Jack Conway directed.

Running time, 85 minutes. "G."* G. McC.

"You Can't Cheat an Honest Man"

(Universal)

HOLLYWOOD, Feb. 19.—Jokes, funny gags, situations and lines are the entertainment substance of "You Can't Cheat an Honest Man." Buffoonery, W. C. Fields, Edgar Bergen and Charlie McCarthy are its exploitation substance. There isn't much of a story, and little need for one in a picture in which entertainers of the caliber of the trio are permitted full swing.

Fields owns a threadbare circus. The performers are never paid off. The sheriff is always a second too late to plaster an attachment on it. Fields and McCarthy have a feud; Fields berates and ridicules him, tosses him to the alligators, gives him a black eye. Charlie harasses Fields no end. He has his own stooge, Mortimer Snerd. Bergen falls in love with Fields' daughter, Constance Moore, but she, sacrificing love for the prospect of a rich marriage that would help her father, runs out on her swain. Fields, with more jokes and gags, makes hash of the wedding plans, turns the reception into an hilarious turmoil, and the stage is set for the girl to marry Bergen.

Producers like to boast that this or that venture is a "laugh a minute" show. It looks as though Universal and producer Lester Cowan have such a phenomenon here. Everything that happens is nonsensical. It is easy to picture spectators yowling and howling with glee when the show is generally released.

Although George Marion, Jr., Richard Mack and Everett Freeman are credited with the screenplay, Charles Bogle an alias for Fields, wrote the story, and of course Bergen wrote his own material. George Marshall directed.

Running time, 80 minutes. "G."* G. McC.

**"G" denotes general classification.*

'Each Other' $14,000 for Philadelphia

PHILADELPHIA, Feb. 19. — Benny Goodman's band, with "Mr. Moto's Last Warning" on the screen counted for $25,000 gross at the Earle. "Made for Each Oother" clicked handsomely at the Aldine with $14,000.

"Wings of the Navy" took $14,000 at the Fox. "Idiot's Delight" hit $11,000 for its third Boyd week.

Estimated takings for the week ending Feb. 16:

"Made for Each Other" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $14,000. (Average, $8,160)

"Zaza" (Para.)
ARCADIA — (600) (25c-40c-55c) 7 days. Gross: $1,900. (Average, $2,800)

"Idiot's Delight" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days, 3rd week. Gross: $11,000. (Average, $14,000)

"Mr. Moto's Last Warning" (20th-Fox)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Benny Goodman orchestra. Gross: $25,000. (Average, $14,000)

"Wings of the Navy" (W.B.)
FOX — (3,000) (40c-55c-65c-75c) 7 days. Gross: $14,000. (Average, $14,000)

"St. Louis Blues" (Para.)
KARLTON—(1,000) (25c-40c-55c) 7 days. Gross: $2,200. (Average, $4,000)

"The Beachcomber" (Para.)
KEITH'S — (2,000) (25c-40c-55c) 7 days. Gross: $2,400. (Average, $4,000)

"Gunga Din" (RKO)
STANLEY — (3,700) (40c-55c-65c) 7 days, 2nd week. Gross: $12,000. (Average, $14,000)

"Persons in Hiding" (Para.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $5,000. (Average, $7,000)

'Gunga Din' Draws $19,500 to Lead Capital's Parade

WASHINGTON, Feb. 19.—"Gunga Din," with $19,500 at RKO-Keith's, stood out in the week's business. Gross was nearly double any recent take for the theatre.

"Honolulu," at Loew's Capitol, took an excellent $21,000. "They Made Me A Criminal" did a nice $4,800 in a return engagement at Warners' Metropolitan.

Estimated takings for the week ending Feb. 9:

"Honolulu" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c), 7 days. Stage: Blue Barron & orch. Gross: $21,000. (Average, $16,500)

"Stand Up and Fight" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c), 7 days, 3rd week. Gross: $4,000. (Average, $4,200)

"Jesse James" (20th-Fox)
LOEW'S PALACE—(2,370) (25c-55c), 7 days, 2nd week. Gross: $11,500. (Average, $11,500)

"Gunga Din" (RKO)
RKO-KEITH'S—(1,836) (25c-55c), 7 days. Gross: $19,500. (Average, $10,000)

"Wings of the Navy" (W. B.)
WARNER'S EARLE—(2,218) (25c-66c), 7 days. Stage: Sylvia Manon & Co. Gross: $15,500. (Average, $16,000)

"They Made Me a Criminal" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c), 7 days. Gross: $4,800. (Average, $4,000)

Frisz to Cooperative

CLEVELAND, Feb. 19.—Ray Frisz has resigned as booker for the Schine circuit in the Cincinnati territory to join Cooperative Theatres of Ohio as third booker of the organization.

'Winds' Hits $27,000 in 2 Boston Spots

BOSTON, Feb. 19.—"Trade Winds" and "The Strange Case of Dr. Meade" grossed $27,000 to lead first week takes, with $17,000 at Loew's Orpheum and $10,000 at Loew's State.

"Gunga Din" and "Disney Revue" grossed a strong $22,500 in its second week at the Keith Memorial, and "Jesse James" and "While New York Sleeps" took a big $19,000 in the second week at the Metropolitan.

Estimated takings for the week ending Feb. 15-16:

"Gunga Din" (RKO)
"Disney Revue" (RKO)
KEITH MEMORIAL—(2,790) (25c-35c-40c-55c), 7 days, 2nd week. Gross: $22,500. (Average, $13,000)

"Jesse James" (20th-Fox)
"While New York Sleeps" (20th-Fox)
METROPOLITAN—(4,332) (25c-35c-40c-55c), 7 days, 2nd week. Gross: $19,000. (Average, $12,500)

"Trade Winds" (U. A.)
"The Strange Case of Doctor Meade" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c), 7 days. Gross: $17,000. (Average, $13,000)

"Trade Winds" (U. A.)
"The Strange Case of Doctor Meade" (Col.)
LOEW'S STATE—(3,537) (25c-35c-40c-55c), 7 days. Gross: $10,000. (Average, $11,000)

"They Made Me a Criminal" (W. B.)
"Mr. Moto's Last Warning" (20th-Fox)
PARAMOUNT—(1,790) (25c-35c-40c-55c). 7 days. Gross: $9,500. (Average, $8,500)

"They Made Me a Criminal" (W. B.)
"Mr. Moto's Last Warning" (20th-Fox)
FENWAY—(1,382) (25c-35c-40c-55c), 7 days. Gross: $6,500. (Average, $4,500)

"Newsboys' Home" (Univ.) (3 days with vaude.)

"There's That Woman Again" (Col.) (3 days with vaude.)

"Angels With Dirty Faces" (W. B.) (4 days)

"Sharpshooters" (20th-Fox) (4 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $9,500. (Average, $10,000)

'Criminal' Does $12,000 to Lead Cleveland Films

CLEVELAND, Feb. 19.—"They Made Me a Criminal" took a good $12,000 at the Warner Hippodrome. "Jesse James" did $4,800 in a third week at the Allen, and "Idiot's Delight" took $6,500 in its second week at Loew's Stillman.

"Professor Mamlock," originally banned, then approved in the state, grossed an unusual $4,300 at the City Theatre.

Estimated takings for the week ending Feb. 10:

"Jesse James" (20th-Fox)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $4,800. (Average, $4,000)

"They Made Me a Criminal" (W. B.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $12,000. (Average, $12,000)

"Devil's Island" (W. B.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Blackstone and vaudeville. Gross: $17,500. (Average, $15,000)

"Trade Winds" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $10,000. (Average, $13,000)

"Idiot's Delight" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $6,500. (Average, $5,000)

"Professor Mamlock" (Amkino)
CITY—(485) 35c-42c. 7 days. Gross: $4,300. (Average, $1,200)

Hollywood Previews

"Wife, Husband and Friend"

(20th Century-Fox)

HOLLYWOOD, Feb. 19.—No tumultuously emotional triangle, this, but often a tumultuously laughable comedy of manners superimposed upon the three-cornered relationship defined in the title but never treated seriously in the film. Loretta Young, Warner Baxter and Binnie Barnes are the three named in the title, in that order, with Miss Barnes turning in the slightly better of three good performances. George Barbier, Eugene Pallette and Helen Westley are the others principally concerned.

Associate producer Nunally Johnson wrote the screenplay from James M. Cain's novel and Gregory Ratoff directed the picture in his lighter and better technique. The story is about a married man whose wife thinks she can sing and a famous soprano who, discovering that he owns a concert calibre voice of his own and is also a personally desirable person, convinces him that the way to cure his wife of musical aspirations is to become a great singer, under her intimate sponsorship. A number of amusing complications ensue, after which the picture ends happily with husband and wife deciding the Met is not for them.

Baxter gets a chance to unbend and is his old self in the film. Miss Barnes dominates every scene she's in. Miss Young gives her standard performance. Musical numbers by Samuel Pokrass, Walter Bullock and Armando Hauser, as well as bits from standard works, are worked into the picture naturally.

Appeal of the humour is to the intellect rather than the diaphragm, yet broad enough for general appreciation. The operatic sequence which occurs near the end had a preview audience in stitches.

Running time, 75 minutes. "G."* ROSCOE WILLIAMS

"The Saint Strikes Back"

(RKO)

HOLLYWOOD, Feb. 19.—Second of the Leslie Charteris "Saint" stories to be transferred to the screen by RKO, "The Saint Strikes Back" is a comedy melodrama built to a smashing climax. It presents George Sanders as the new "Simon Templar," replacing Louis Hayward, who appeared in the first of the series. Supporting him are Wendy Barrie, Jonathan Hale, Jerome Cowan, Neil Hamilton, Barry Fitzgerald, Robert Elliott, Russell Hopton, Edward Gargan, Robert Strange, Gilbert Emery, James Burke and Nella Walker.

The name of Leslie Charteris as a detective fiction writer is not one to be ignored by exhibitors in presenting this picture. He is one of the most widely read contemporary authors of detective fiction. His style is ably transferred to the screen by John Farrow, the director of the picture, and John Twist, who wrote the screenplay. Robert Sisk produced the picture under the supervision of Lee Marcus.

Scene of the action is San Francisco, where "The Saint" goes to deal out his justice to criminals. Entangled in the meshes of law and underworld is a pretty girl, whom he helps. The girl is the daughter of a police officer, discharged because of alleged bribery and since deceased. In the girl's battle to clear her father's name, "The Saint" is instrumental, and he solves the mystery.

Running time, 64 minutes. "G."* VANCE KING

"Six Gun Rythm"

(Grand National—Arcadia)

HOLLYWOOD, Feb. 19.—Plot formula for westerns with music is rigidly followed in "Six Gun Rythm." None of the old production ideas have been slighted. Football players aiding the ex-football player in the round up of the bad men is the only touch of novelty.

A juvenile attraction, the show is too "primary school" to be of much interest to adults. Everything that happens is easily anticipated and only the occasional bits of comedy, the interluding musical numbers and the climatic thrill action chase and battle have much entertainment merit.

Coming home to the west, football star Tex Fletcher learns that his father, who has disappeared, is suspected of being in cahoots with rustlers and murderers. Simultaneously, he meets and is snubbed by the girl with whom he is eventually to fall in love, Joan Barclay. From then on, everything is as it has been hundreds of times before. Tex wins the girl to his side, proves that her brother, Bud McTaggert, is not the murderer which the rustlers have made him believe he is, and with the aid of his football playing mates, who arrive in the nick of time, cleans up the desperadoes as a desert dust storm rages. Sam Newfield produced and directed.

Running time, 55 minutes. "G."* G. McC.

*"G" denotes general classification.

'Gunga Din' Frisco High, Hits $23,500

SAN FRANCISCO, Feb. 19.—"Gunga Din" beat the drum here to the tune of $23,500. "The Duke of West Point" garnered a good $8,200 at the United Artists.

"Jesse James" drew $15,000 in its second week at the Fox, and "St. Louis Blues" and Tom Sawyer, Detective," at the Warfield, was good for $11,000.

Estimated takings for the week ending Feb. 7-10:

"Gunga Din" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $23,500. (Average, $16,000)

"The Duke of West Point" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $8,200. (Average, $7,000)

"Son of Frankenstein" (Univ.)
"Swing, Sister, Swing" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $6,500. (Average, $8,500)

"Jesse James" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $15,000. (Average, $17,000)

"Idiot's Delight" (M-G-M)
"Torchy Blane in Chinatown" (W. B.)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $7,000. (Average, $13,000

"Devil's Island" (W. B.)
"Off the Record" (W. B.)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $5,700. (Average, $7,000)

"St. Louis Blues" (Para.)
"Tom Sawyer, Detective" (Para.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,000. (Average, $13,000)

"With a Smile" (Pathe Cinema)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,200. (Average, $1,300)

"The Singing Blacksmith" (New Star)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $800. (Average, $1,300)

'Topper' Best in Seattle on Dual Grossing $8,400

SEATTLE, Feb. 19.—"Topper Takes a Trip," dualled with "Ride a Crooked Mile," was the best comparative film grosser with $8,400 at the Paramount. Sally Rand on the stage of the Palomar, with "Strange Faces" on the screen, drew the heavy money, taking $11,000.

"Jesse James" was strong at the Fifth Avenue with $8,700.

Estimated takings for the week ending Feb. 10:

"Paris Honeymoon" (Para.)
"Tarnished Angel" (RKO)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,600. (Average, $4,000)

"Jesse James" (20th-Fox)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $8,700. (Average, $7,000)

"Made For Each Other" (U. A.)
LIBERTY — (1,800) (20c-30c-40c-55c) 7 days. Gross: $6,250. (Average, $5,000)

"Idiot's Delight" (M-G-M)
"While New York Sleeps" (20th-Fox)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $4,300. (Average, $4,000)

"They Made Me a Criminal" (W.B.)
"Swing, Sister, Swing" (Univ.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,700. (Average, $6,000)

"Strange Faces" (Univ.)
PALOMAR—(1,500) (30c-40c-50c) 7 days. Vaudeville and Sally Rand in person. Gross: $11,000. (Average, $5,000)

"Topper Takes a Trip" (U. A.)
"Ride a Crooked Mile" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,400. (Average, $6,000)

New Producer Unit Planned in England

LONDON, Feb. 19.—All British production organizations have been invited to send two delegates each to a conference to be held in a week to discuss the formation of a new body which will be representative of every phase of production.

Those invited include the Film Group of the Federation of British Industries, the National Association of Theatrical and Kine Employes, the Screenwriters' Association and the directors' group.

Bryan Wallace of the Screenwriters' unit claims much support for the new move, and has indicated that he is certain of the election of a committee and the framing of organization policies. Presumably such a new organization would replace the now dormant Film Group of the Federation of British Industries, producing organization.

Field Organization For Rogers Week

Exhibitors will be enrolled through a field organization for Will Rogers National Theatre Week, which will be observed beginning Thursday, April 20.

Will H. Hays, guest of honor at a luncheon given by Major L. E. Thompson at the Rockefeller Center Luncheon Club on Friday, approved the plans outlined by Thompson covering this year's campaign. Thompson is chairman and A. P. Waxman director of the campaign.

New Admission Tax Bill Is Up in Ohio

COLUMBUS, Feb. 19.—Representative William Glass of Youngstown, has introduced a bill in the House which would authorize political subdivisions to levy a two-cent tax on admissions from 15 cents to $1, with a similar impost on each additional $1. The measure is designed to raise an estimated $4,000,000 for relief purposes.

Ohio exhibitors now pay a three per cent tax based on gross business.

'Mikado' Opening in Toronto Sets Record

TORONTO, Feb. 19.—"The Mikado" opened here at the Uptown to a record gross for the day, in spite of a temperature of seven degrees below zero. Leading figures in Canadian government, business and society circles attended the opening of the film of the Gilbert and Sullivan operetta.

The film, which is released by Universal, will have its national release in the United States and Broadway opening shortly.

Pennsylvania Censor Approves 'Daughter'

HARRISBURG, Pa., Feb. 19.—Pennsylvania State Censor Board approved Warner's "Yes, My Darling Daughter" without ordering any cuts, on Friday. The film has been approved also in Chicago and Virginia. In New York, an appeal from an order banning the picture will be heard Thursday with a final decision expected Friday.

Hollywood Preview

"Fast and Loose"

(M-G-M)

HOLLYWOOD, Feb. 19.—Fast is a good word for it, but there's nothing loose about "Fast and Loose." There are as many laughs in it, and there's mystery, melodrama and suspense enough to satisfy anyone. There's a provocative brand of husband-wife love which undergoes the torture of womanly jealously when it seems that a bit of sly philandering is being practiced. Glib dialogue lines (which should make punchy ad copy) tumble over one another. Nearly every situation is clever. The acting, in which a lot of players who know what to do with the ball when they get it are featured, is a round-up of finished performances. Smart enough for the smartest, "Fast and Loose" nevertheless has the happy quality of being plain and simple enough to hold anyone.

A new pair of stars and a complete new supporting troupe is used, yet the story is a follow-up to "Fast Company." Robert Montgomery and his wife, Rosalind Russell, are in the rare book business. Amateur detective work is his sideline. Quickly the pair is involved in a case that requires the exercise of Montgomery's crime-solving talents. What starts out as a family scandal involving the disappearance of a rare volume soon turns into the investigation of a rare manuscript forgery and leads to mysterious murder. While the theme shuttles between comedy and melodrama, Montgomery solves the riddle, but not before he has a number of brushes with the law, gangsters, his wife, who believes that something more exciting than professional duty is throwing him into the company of an exotic feminine suspect, and another murder is committed.

Montgomery and Miss Russell handle their parts with skillful finesse. So do the members of the support, especially Ralph Morgan, Reginald Owen, Etienne Girardot, Alan Dinehart, Jo Ann Sayres, Joan Marsh, Anthony Allen, Tom Collins and Sydney Blackmer. Harry Kurnitz' original screenplay and Edwin L. Marin's direction are top notch.

Running time, 75 minutes. "G."* G McC.

*"G" denotes general classification.

New York Preview

"Prison Without Bars"

(Korda-UA)

Set in a girls' reformatory a few miles from Paris, "Prison Without Bars" presents a moving appeal for kindlier treatment for inmates of such institutions. An interesting love story, with the superintendent and one of the girls forming the two feminine ends of the triangle, is intertwined with a plea for reform.

The opening scenes show the prison ruled with a rigid discipline by Martita Hunt, who gives an excellent portrayal. After complaints, Edna Best obtains the appointment as new superintendent in order to be near her finance, Barry K. Barnes, prison physician. Despite the efforts of the old staff to block changes, Miss Best institutes many improvements.

The reform of one of the girls, Corinne Luchaire, is effected by Miss Best. The girl is made assistant to Barnes and the two fall in love. There follows the dramatic struggle of the two women, one the jailer and the other the jailed, for the love of the doctor. When Miss Best discovers the true situation, however, she arranges a pardon for the girl, who follows Barnes to his new post.

Alexander Korda produced and Irving Asher was asociate producer. Brian Desmond Hurst directed and Arthur Wimperis wrote the scenario.

Running time, 80 minutes. "A."* ED GREIF

*"A" denotes adult classification.

Ohio Theatres Back Tax Exemption Bill

COLUMBUS, Feb. 19.—Owners of smaller theatres in Ohio were supporting a measure introduced in the legislature which would exempt them from paying the 2.7 per cent unemployment compensation tax unless they have eight or more employees. All industries are included in the bill.

Passage of Mo. Bill On Theatres Unlikely

KANSAS CITY, Feb. 19.—Following a hearing in Jefferson City, Mo., the House bill relating to the location of aisles in theatres and adding a clause which makes the sale of seats when the house is full a misdemeanor, is not expected to come to a vote.

Attending the hearing was R. R. Biechele, Kansas-Missouri Theatres.

'Blues' Draws Big $9,200 as Denver Leader

DENVER, Feb. 19.—"St. Louis Blues" was the leader here, with a smash gross of $9,200 at the Denham. "Gunga Din" took a strong $6,700 in its second week at the Orpheum, while "Jesse James" and "Little Adventuress" drew well nigh $4,500 at the Paramount, the former film in its third week. "Tail Spin" garnered $6,500 at the Denver.

Estimated takings for the week ending Feb. 15:

"Duke of West Point" (U. A.)
ALADDIN—(1,400) (25c-40c), 7 days after a week at the Denver. Gross: $1,500. (Average, $3,500)
"Idiot's Delight" (M-G-M)
"Vacation From Love" (M-G-M)
BROADWAY—(1,100) (25c-35c-40c), 7 days, 2nd week. Gross: $2,000. (Average, $2,500)
"St. Louis Blues" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $9,200. (Average, $6,000)
"Tail Spin" (20th-Fox)
DENVER—(2,525) (25c-35c-50c), 7 days. Gross: $6,500. (Average, $8,500)
"Gunga Din" (RKO)
ORPHEUM—(2,600) (25c-35c-40c), 7 days, 2nd week. Gross: $6,700. (Average, $8,000)
"Jesse James" (20th-Fox)
"Little Adventuress" (Col.)
PARAMOUNT—(2,200) (25c-40c), 7 days. "Jesse James," 3rd week. Gross: $4,500. (Average, $3,500)
"There's That Woman Again" (Col.)
"Pirates of the Skies" (Univ.)
RIALTO—(878) (25c-40c), 7 days. **Gross:** $1,750. (Average, $1,750)

'Winds' at $6,000 In Oklahoma City

OKLAHOMA CITY, Feb. 19.—"Trade Winds" grossed $6,000 at the Criterion to lead here, in a week of only fair business. "Son of Frankenstein" drew $4,500 at the Midwest, and "Jesse James" took $2,600 in its third week at the Tower.

Estimated takings for the week ending Feb. 9:

"Trade Winds" (U. A.)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $6,000. (Average, $5,200)
"Pacific Liner" (RKO)
"Arrest Bulidog Drummond" (Para.)
LIBERTY—(1,200) (20c-25c-30c), 4 days. Gross: $1,500. (Average, $1,800)
"Charlie Chan in Honolulu" (20th-Fox)
"Down on the Farm" (20th-Fox)
LIBERTY—(1,200) (20c-25c-30c) 3 days. Gross: $850. (Average, $700)
"Son of Frankenstein" (Univ.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,500. (Average, $4,500)
"The Birth of a Baby" (Special)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,150. (Average, $2,300)
"There's That Woman Again" (Col.)
STATE—(1,100) (20c-25c-40c) 7 days. Gross: $3,100. (Average, $3,500)
"Jesse James" (20th-Fox)
TOWER—(1,000) (25c-35c-40c) 7 days, 3rd week. Gross: $2,600. (Average, $2,500)

Hear Appeal of RCA In Licensing Action

DOVER, Del., Feb. 19.—Argument on an appeal by RCA from an interlocutory decree of the late Chancellor Josiah O. Wolcott has been concluded and decision reserved by the Supreme Court here. The decree was granted in the suit brought by the Philadelphia Storage Battery Co. to enjoin RCA from terminating a licensing agreement whereby P.S.B. had use of basic radio patents owned by RCA.

WB Shifts Policy in Philadelphia Houses

PHILADELPHIA, Feb. 19.—There will be a general switch in personnel affecting most first run Warner houses when price reductions and policy changes go in effect next Friday.

Maurice Gable, manager of the Earle, will move to the Boyd. Stanley Banforth goes from the Boyd to the Earle. William Israel switches from the Stanton to the Palace and Elmer Hollander moves from the Palace to the Stanton.

All houses will reduce top scale from 68 cents to 57 cents except the Fox, which goes into a stage show policy. The Fox will have a top of 68 cents with a balcony price of 57 cents.

This week the Earle goes out of stage shows and will play second run pictures, the first to be "Jesse James." The Stanton will get a higher grade of product and the Palace, formerly third run, will become first run.

At the Fox the first film with stage show, starting Friday, will be "Trail Spin." Artie Shaw's orchestra heads the stage show. First film under its new policy at the Stanton will be "Fast and Loose" and the Palace's first will be "Boy Slaves."

Arguments Heard on Conn. Bingo Measure

HARTFORD, Feb. 19.—Stressing the innocence of the game, its "family recreation" aspect, and its value as a source of revenue to organizations, seven state Senators and representatives, the Mayor of Stamford, and many representatives of organizations declared in favor of legalizing Bingo for religious, charitable, fraternal, volunteer fire and police organizations at a public hearing before the Judiciary Committee of the legislature.

Opposing the bills to bring back Bingo were representatives of several churches, the Connecticut Council on Social and Labor Legislation, Federation of Men's Bible Classes, and the Chamber of Commerce. Walter Lloyd of the Allyn Theatre, Hartford, and Harry L. Lavietes of the Pequot, New Haven, spoke of the unfair discrimination against theatres in allowing games for certain organizations only, although theatres were large taxpayers.

File Final Briefs in 'Lynton' Suit Today

Final briefs in the "Letty Lynton" suit brought by the authors, Edward Sheldon and Margaret Ayer Barnes, against Moredall Realty Corp., operators of the Capitol, will be filed today with Special Master Kenneth E. Walser. Preliminary briefs filed last week follow the same lines as those presented in the suit against M-G-M where the authors recovered a substantial judgment.

The Capitol contends that profits from the exhibition should not be given in their entirety to the plaintiffs but should be apportioned. No precise figures for apportionment have been presented by the defendants but the brief suggests that profits from the stage show be deducted either on the basis of relative cost or time consumed with reference to the remainder of the show.

Radio Personals

ARTHUR PRYOR, radio vice-president at Batten, Barton, Durstine & Osborn, to Minneapolis. . . . John Chapman, *Daily News* columnist, whose program is heard on WOR, will have Humphrey Bogart as his studio guest on Tuesday's broadcast. . . . Tommy Dorsey will broadcast his Raleigh-Kool cigarette program Washington's Birthday from the stage of the Stanley Theatre in Pittsburgh. . . . Doris Rhodes, the CBS singer, booked for a week at the Palace Theatre in Chicago, starting March 3. . . . Zasu Pitts will be guest on the Fibber McGee program tomorrow night.

Lanny Ross Host to 10-Year Air Players

Lanny Ross gave a luncheon at the Waldorf Friday for radio players and executives who have been in broadcasting 10 years or more. Ross wants to sponsor a club for radio people who have been in the business for at least a decade.

Among those present were Frank Munn, Graham McNamee, David Ross, Ben Bernie, Mark Warnow and B. A. Rolfe. Also David Butler of General Foods, William Baker of Benton & Bowles, Niles Trammell, executive vice-president of NBC; Frederic Willis, assistant to William S. Paley, president of CBS, and Johnny Johnstone, publicity director of WOR. The radio columnist veterans were represented by Ben Gross of the *News*, Orrin Dunlap of the *Times* and E. L. Bragdon of the *Sun*.

Wente Testifies in British Acoustic Suit

WILMINGTON, Feb. 19.—Erpi took photographs of the original Poulsen Peterson projection machine when it was brought to America in 1927 by Arnold Poulsen of Copenhagen, joint inventor of improved film feed mechanism.

Dr. Edward W. Wente of Bell Telephone Laboratories, so admitted under cross examination in the patent infringement litigation brought by British Acoustic Films against RCA and Erpi in Federal Court here Friday. Wente admitted Erpi took photographs of the mechanism when the projector was in the Erpi laboratories on demonstration.

Under cross examination by Samuel R. Darby, Jr., Wente described an arrangement to overcome sprocket high speed flutter of the Kellog patent mechanism. He described the film action as the result of tension and shrinkage in various patents including Kellog, Edison and Bradford patents. The hearing was adjourned until Monday.

Missouri Measure Asks Censor Board

KANSAS CITY, Feb. 19.—A bill providing a censorship board was introduced in the Missouri legislature Thursday. The measure, offered by Samuel C. Hagden of Kansas City, calls for a three-man board to be appointed by the Governor at a salary of $4,000 each yearly.

Television Permit Asked by Crosley

Washington, Feb. 19.—The Crosley Co., operators of WLW, Cincinnati, has asked authority of the F. C. C. to construct a 1,000 watt television station in Cincinnati. Another construction permit for a television station of 50 watts power was asked by Owen Franklin, of Eaton, Ohio.

British Groups to Witness Telecast

LONDON, Feb. 19.—The entire English Television Advisory Committee will attend the Baird telecasting by relay at Marble Arch Pavilion next Thursday.

Present will be representatives of the General Post Office, British Broadcasting Corp., and the public. Five B. B. C. cameras will be used in the telecast, which will be relayed from Harringay, and transmitted to Alexandra Palace. It will be reproduced on a screen 15 by 12 feet.

Scophony has indicated its intention of showing telecasts on a large screen at the Leicester Square Odeon in the near future.

CBS Reenacts Prize Program from WCCO

Reenactment of the "The March of Minnesota," chosen by the jury of the Annual Advertising Awards as the best radio program of 1938, was broadcast Saturday in a special program over CBS. The rebroadcast originated at the CBS station, WCCO in Minneapolis, where the series has been heard over a state network under the production of Batten, Barton, Durstine & Osborn. The broadcast was in connection with *Advertising & Selling Magazine's* awards to advertising agencies for meritorious work.

Powell for Jolson

HOLLYWOOD, Feb. 19.—Dick Powell has been selected by Ruthrauff & Ryan as the successor to Al Jolson on the Lifebuoy program, starting March 21. Holdovers on the program include Martha Raye, Parkyakarkus and Lud Gluskin's band.

Erpi Has New Phone

Erpi has developed a new portable telephone which gets its power from the speaker's voice. It is claimed to be designed most effectively for use in studios, on location, for newsreel work, in theatres and similar situations.

Nellie Revell Returning

Nellie Revell returns to the air in a new series of interview programs next Friday at 12 noon over the NBC Blue network. Her new series will be called "Meet the Artist," and will be presented each Friday.

Van Loon in Series

Hendrik Willem Van Loon will inaugurate a new series of commentaries over NBC on Feb. 19 at 4:15 P. M. He will be heard Sundays at the same time thereafter over the Red network.

Banner LINES

ACADEMY Awards will be presented this week and the networks have asked to be allowed to cover the affair. The Awards Committee has turned down the radio requests, which leads us to the thought that insofar as is known, only one Academy affair has been broadcast . . . by NBC in 1932.

Oscar, Oscar, who got the Oscars in 1932? If you give up, here are the statistics: For the best work by an actor, a tie between Wally Beery for his "The Champ" and Fredric March for "Dr. Jekyll and Mr. Hyde." Helen Hayes got her sculpture for her work in "Sin of Madelon Claudet." That year one of the Academy's rarely granted "special awards" went to Walt Disney for his "Mickey Mouse" animations. The outstanding production was M-G-M's "Grand Hotel." Best director was Frank Borzage for megaphoning "Bad Girl." "Mr. Swordfish" was the outstanding short, made by Mack Sennett; best performance in comedy was by Laurel and Hardy; best adaptation was Frank Burke's "Bad Girl"; best original story was Francis Marion's "The Champ" and the best photography of the year was in "Shanghai Express."

▼

Apt is the title of the picture that will be shown at Loew's State while Rudy Vallee holds down the stage bill. Name of the picture is "Stand Up and Fight."

▼

In another six weeks NBC-RCA will be getting some stiff competition for television headlines. At that time television broadcast experiments will begin for CBS.

▼

One of the major advertising agencies is experiencing an odd kick-back as a result of accepting the A.F.R.A. code and wage scales. This agency has been paying its actors more than the A.F.R.A. scale asks for, and several of the sponsors are now demanding to know why the agency has been tossing coin about needlessly.

▼

Gretchen Davidson in the CBS "Aunt Jenny" programs, now enjoying a unique fame along radio row. Gretchen also appears in the stage play "The American Way," and she's the only girl in the cast who kisses Fredric March.

▼

Daughters of two local radio editors will participate in Wednesday's "March of Games" quiz series over CBS. The youngsters are Pat Kenny, 10, daughter of Nick of the *Mirror*, and Justine Ranson, pride of Jo of the *Brooklyn Eagle*.

—JACK BANNER

Holland Suit Dismissed

Federal Judge William Bondy on Friday dismissed the suit of Ralph Holland, doing business as Holland's, against Majestic Radio & Television Corp., RCA Manufacturing Co., Inc., Thomas A. Edison, Inc., Richard D. Scandrett, Jr., Minor W. Tuttle and Walter Shalaire, for failure to state a cause of action. Suit was for $300,000, for alleged monopolistic practices.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 35 NEW YORK, TUESDAY, FEBRUARY 21, 1939 TEN CENTS

Penn. Theatre Circuit Levy Held Invalid

Tax Unconstitutional, Is Ruling in Test Case

HARRISBURG, PA., Feb. 20.—Circuit theatre and chain store tax which imposed graduated levies of $1 to $500 on circuit houses throughout the state was declared unconstitutional by the Dauphin County Court in a test case today. About 40 corporations joined in the litigation to restrain collection of the tax, with theatres represented by Warners and several affiliated companies.

In addition to finding the entire tax invalid, the court ruled that in the case of theatres it was impossible to determine who was to pay the tax "because of the intertwining of their interests." The court distinguished the Pennsylvania constitution from that of other states where chain taxes have been upheld. Under the Pennsylvania constitution all taxes must be uniform. The court ruled that the act,

(*Continued on page 3*)

Columbia Plans 56 For Next Season

Columbia will produce about the same number of pictures next season as it has scheduled for the current season, Jack Cohn, vice-president, said yesterday on his return to New York from three weeks of conferences at the studio on new season product. Columbia has 40 features and 16 westerns scheduled for production this season.

Cohn was accompanied east by Abe Montague, general sales manager; Joseph McConville, foreign sales manager, and Abe Schneider, treasurer, all of whom participated in the conferences with Harry Cohn, Columbia president, at the studio. Phil Dunas, Columbia branch manager at Chicago, joined the home office executives there and accompanied them to New York for sales conferences.

Cohn reported that decision had been made at the studio to increase the

(*Continued on page 3*)

No Paper Tomorrow

***Motion Picture Daily* will not be published tomorrow, Feb. 22, in observance of Washington's Birthday.**

Lords to Discuss Screen Situation

London, Feb. 20.—On March 8, the British House of Lords will discuss a motion concerning the serious condition of the British production industry.

The motion has been presented by Viscount Bridgman, who is chairman of the Denham Laboratories.

Paris Houses Win Fight for Tax Reduction

By PIERRE AUTRE

PARIS, Feb. 20.—Paris exhibitors won their fight against drastic increases in theatre taxes over the weekend when, after a hearing of industry representatives, Finance Minister Paul Reynaud forced the Cabinet to adopt a decree reducing state taxes on Paris houses from 20 to 25 per cent.

The theatres immediately reestablished their advertising, which was withdrawn in retaliation, following the recent imposition of new taxes. The *Journal Offciel* published the decree yesterday, with one-month tentative application, starting March 1.

The decree establishes lower state tax rates and declares that new Paris municipal taxes cannot exceed half of the state tax rate. At the same time Reynaud asked exhibitors to increase admissions by 20 per cent on seats under 20 francs, and warned the industry that the measure for virtual

(*Continued on page 3*)

DIVORCEMENT BILL SIGNED IN DAKOTA

Trade Pact Is Retroactive In Sales Deals

Sales of 1939-'40 contracts to exhibitors being made in advance of adoption of an industry trade practice program will be subject to the terms of the pact, on a retroactive basis.

Company executives are prepared to conform new season contracts to the terms of the agreement immediately on its adoption.

Meeting of the distributors' drafting committee with Abram F. Myers, Allied States general counsel, is expected in New York early next week. It has been delayed a few days by the lawyers' study of his suggested revisions and the preparation of a new draft.

Offered as Final Draft

In presenting the new draft to Myers, the distributors will take the position that it is the final one. The same information will be given to the M. P. T. O. A. and unaffiliated exhibitor groups when the draft is submitted to them. No meetings with these groups are scheduled.

Field staffs of 20th Century-Fox are being advised of the proposed terms of the agreement by district managers, following an outline of developments by S. R. Kent, president,

(*Continued on page 3*)

Repeal Measure Becomes Law with Signature of Gov. Moses

BISMARCK, Feb. 20.—Governor John Moses has signed the bill repealing the theatre divorcement act.

The Governor officially had notified the legislature at 4:50 p. m. his decision to sign the measure.

Passed 10 days ago the measure had been signed at once by Speaker Hagen of the House and Senate President Patterson. If the Governor had not signed or vetoed it before midnight it would automatically have become law.

Bill Sponsored by Allied

The Governor's action removes divorcement from the statute books and voids the appeal pending in the United States Supreme Court.

The North Dakota measure which separates theatre ownership and operation from distribution and production was sponsored by Allied in 1937. Its repeal has a direct bearing on the

(*Continued on page 3*)

Paramount Weighs Retirement of Bonds

Paramount is weighing several plans for the retirement of the final $4,500,000 of the company's six per cent debentures and adoption of one of several plans under consideration may occur any time within the immediate future.

Retirement of $5,000,000 of the issue was fulfilled yesterday in accordance with the action authorized by the company's board of directors last December. Payment of principal amount plus interest to date was made out of the company's cash reserve, which was augmented some time ago by a $1,500,000 loan from a Chicago bank. Yesterday's retirement saves Paramount $300,000 annually in interest charges. It leaves a balance of $4,500,000 of the six per cent debentures still outstanding, plans for the retirement of which are now being studied.

A meeting of Paramount's executive committee may be held Thursday in lieu of the monthly board meeting scheduled for that day, due to the absence from the city of a number of board members. Stanton Griffis, executive committee chairman, plans to leave for Florida early next week, following the return to New York of Barney Balaban, Paramount president.

"The Little Princess"

[*20th Century-Fox*]

HOLLYWOOD, Feb. 20.—Considered from the standpoint of its audience value, "The Little Princess" is about as fine a piece of entertainment as anyone could desire. Looked at from a commercial angle, with box-office leader Shirley Temple starred, it's a showman's exploitation show of unusual merit. Rich in story, production and personnel values, human interest, pitched to a sentimental and sympathy-provoking keynote, is the basis of the show's entertainment. All its drama, romance, musical features and score, pathos stemming from threatened tragedy, even the spectacular fantasy sequence and the manner in which color has been applied, are designed to accentuate the fundamental premise.

Intelligently produced, and directed by Walter Lang to induce the desired reactions, the picture combines imagination with realism, yet always is in harmony with the spirit and character of the Frances Hodgson Burnett novel of childhood serio-whimsey from which it was adapted. Screenplay writers Ethel Hill and Walter Ferris wisely made no attempt to alter the original. In the title role, Shirley is the little

(*Continued on page 3*)

Name 32 Zone Heads In Rogers Campaign

Thirty-two exchange managers have been enrolled as zone chairmen for the Will Rogers National Theatre Week campaign. On each zone chairman's committee will be the branch managers of all other distributing companies in the territory, also representatives of the five major circuits, leading independent exhibitors, executives of local Variety clubs, newspaper editors and trade paper representatives.

Zone chairmen are as follows:

Albany, Philip Fox; Atlanta, John Ezell; Boston, Morris Wolf; Buffalo, Sydney Samson; Charlotte, Robert J. Ingram; Chicago, Jack Osserman; Cincinnati, Edwin Booth; Cleveland, Frank D. Drew; Dallas, Doak Roberts; Denver, Wayne C. Ball; Des Moines, Moe Levy; Detroit, Frank Downey; Indianapolis, George T. Landis; Kansas City, William Warner; Los Angeles, Clayton T. Lynch; Memphis, James Rogers.

Also for Milwaukee, Arthur N. Schmitz; Minneapolis, Harold Johnson; New Haven, Lou Wechsler; New Orleans, Harold Wilks; New York City, Harry H. Buxbaum; Oklahoma City, Ralph B. Williams; Omaha, Al Mendenhall; Philadelphia, Harry G. Bodkin; Pittsburgh, Harry Seed; Portland, Louis Amacher; St. Louis, John E. Garrison; Salt Lake City, Charles Walker; San Francisco, Dennis J. McNervy; Seattle, Lawrence J. McGinley; Sioux Falls, Sherman Fitch and Washington, Sam Galanty.

Oklahoma Board Named

OKLAHOMA CITY, Feb. 20.—The family of the late Will Rogers was consulted in the selection of a new Oklahoma Will Rogers Memorial Commission by Governor Phillips.

Named to the board were: N. G. Henthorne, chairman; Lew Wentz, Walter Harrison, Dr. J. C. Bushyhead, W. E. Sunday, W. E. Halsell and Will Rogers, son of the late humorist.

Honor C. C. Moskowitz

C. C. Moskowitz was honored by his district managers of the Loew circuit yesterday at a birthday luncheon at the Astor. Guests included Leopold Friedman, Isador Frey, Marvin Schenck, Harry Moskowitz, Oscar A. Doob, Michael Rosen, John Murphy and Ernest Emerling. District managers on the committee included George Schenck, Dominic Barrecca, Seymour Mayer, W. A. Downs, Eugene Meyers, S. H. Meinhold, Eugene Picker, Maurice Seidlitz, Harry Karasik, Charles Moss and Larry Beatus.

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Motion Picture Industry

75 Maiden Lane, New York
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BARNEY BALABAN, Paramount president, returns to New York next Sunday from a Florida vacation.

•

WALTER WANGER leaves Thursday night for the coast, with JOHN LEROY JOHNSTON, his publicity representative.

•

JERRY JACKSON, Warners' production chief in England, arrives today with MRS. JACKSON on the *Ile de France*.

•

GABRIEL L. HESS of M.P.P.D.A. has recovered from an attack of the grippe.

•

AUSTIN C. KEOUGH of Paramount was confined to his home again yesterday with a recurrence of his recent illness.

•

A. J. HERMAN, Universal district manager, left yesterday for Washington to install B. B. KREISLER as acting branch manager and confer on plans for the playdate drive, which will start Feb. 26.

•

SLAPKO VORKAPICH has been given honorable mention for his modernistic home in a contest conducted by *House Beautiful*.

•

MAE WEST is expected in New York from the coast Monday. MISS WEST starts a personal appearance tour March 21 at the Fox in Brooklyn.

•

AL HERMAN, district manager for Universal, is due back from Washington Thursday.

•

BETTY FIELD, New York stage player, will report to the Paramount studio March 20 for a part in "What a Life."

•

GENE TOWNE, screen writer, is in town from the coast, at the Waldorf-Astoria. He expects to be here two weeks.

ROY HAINES, eastern and Canadian sales manager for Warners, left yesterday for a brief tour of exchanges. Before his departure, HAINES conferred with ROBERT SMELTZER, central district manager.

•

GERALDINE KUYKENDALL, daughter of the M. P. T. O. A. president, will be married March 7 in Columbus, Miss., to EDWARD KEATON.

•

FAY GILLIS of U. A. received some front page publicity yesterday as a result of an encounter with a burglar.

•

D. C. KENNEDY, manager of the M-G-M Des Moines exchange, and MRS. KENNEDY are spending three weeks in Florida and Cuba.

•

ED SCHNITZER, eastern district manager for Warners, returned from Boston over the weekend.

•

JOHN HARTIGAN, European commissioner for the World's Fair, arrives on the *Ile de France* today. Also EMIL BOREO.

•

GILBERT MILLER is due Saturday from Palm Beach.

•

JOHN W. GASSNER, play reader for the Theatre Guild, is conducting a play writing course, including films and radio, at Hunter College.

•

VICTOR MILNER, Paramount cameraman, is en route to New York by boat for a vacation.

•

RICHARD COHEN, son of MAX COHEN, N. Y. sales manager for Universal, will celebrate his Bar Mitzvah Feb. 25 in conjunction with the 17th wedding anniversary of MR. and MRS. COHEN.

•

ARTHUR LEE is expected back in New York from Florida on Thursday.

Hammons to Fill Alperson's Post

HOLLYWOOD, Feb. 20.—E. W. Hammons, head of Grand National, said today he would within ten days name a successor to Edward L. Alperson who resigned over the weekend as vice president and general sales manager and that G. N. probably would deliver all of its promised product this season. Hammons said he was negotiating with a well known industry figure to take Alperson's post and the announcement would be made in New York.

Meanwhile Arcadia Pictures, producing subsidiary of G. N., headed by Jack Skirball, announced it would put three additional pictures into production by March 15. One already is shooting. Alperson, Skirball and Hammons were in conferences today.

Set 'Princess' Dates

Twentieth Century-Fox has set 14 pre-release engagements on "The Little Princess," following the premiere at the Keith Memorial in Boston tomorrow.

AAAA Names Board To Investigate AFA

Associated Actors & Artistes of America named a committee of five to investigate the affairs of the American Federation of Actors yesterday. The investigation was ordered at the request of Ralph Whitehead, executive secretary of the A.F.A. Mrs. Florence Marston, eastern representative of the Screen Actors' Guild, will head the committee, which includes Frank Gillmore, president of the A.A.A.A., Paul Dullzell, executive secretary of Actors' Equity, Paul Turner, A.A.A.A. attorney, and George Heller of the American Federation of Radio Artists.

Findings for Appeal Filed in Loew Case

Emil K. Ellis, attorney for minority stockholders who brought suit against officers and directors of Loew's, yesterday submitted 490 proposed findings of fact and 200 conclusions of law to N. Y. Supreme Court Justice Louis A. Valente. Return of $542,000 ruled erroneously credited to profits is sought. Appeal will depend on the findings signed.

'Each Other' Hits $74,000 in 5 Days

"Stagecoach" is due at the Music Hall after "Made For Each Other" finishes its current run. The latter has grossed an estimated $74,000 in its first five days and will be held for a second week. At the Rivoli, "One Third of a Nation" finished a one-week run with an estimated $15,000.

On Wednesday three new films will start, "Honolulu" at the Capitol, "Cafe Society" at the Paramount, and "Four Girls in White" at the Criterion. "Devil's Island" will bow in at the Globe Saturday after nine weeks for "The Lady Vanishes," which grossed an estimated $6,000 last week. "Champs-Elysees" (Tri-National) will have its American premiere at the Little Carnegie Monday. "Grand Illusion" will start its 24th week at the Filmarte. "The Lone Ranger," now playing at the Criterion, has been booked for the Loew metropolitan circuit. The Astor, where "Pygmalion" is in its 12th week, will open its doors at 8 A. M. on Washington's Birthday.

NY Allied to Elect A Grievance Board

SYRACUSE, Feb. 20.—Election of a three-member grievance board and discussion of adjusted minimum price scales at Syracuse theatres are on the agenda for the local New York Allied unit meeting at the Hotel Syracuse Thursday.

The grievance board will adjust complaints of local members with the distributors. The Syracuse Allied unit includes 90 members in a territory extending south to Binghamton and north to Watertown.

Clark Wins Award

PHILADELPHIA, Feb. 20.—James P. Clark, president of Horlachers and a member of the Delaware River Bridge Commission, tonight was awarded the first scroll by the Showmen's Club of Philadelphia as the industry man who did the most for the city in 1938. James Keeney, Philadelphia columnist, made the award, the President Allen Lewis presided. The award is planned as an annual affair.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Birthday Puzzle

Tonight the Moskowitz family will gather at the Kew Gardens home of C. C. Moskowitz, Loew executive, to celebrate the 75th birthday of "Mom" Moskowitz, mother of Joe and Martin of 20th Century-Fox and C. C. and Harry of Loew's. It was decided to screen a new film, but a booking problem arose. Should it be an M-G-M film from Charlie's company or should Joe provide it, from 20th-Century-Fox. A flip of the coin decided. It will be "Wife, Husband and Friend," by courtesy of 20th Century-Fox and Darryl Zanuck.

RKO Order Hearing Is Fixed for Feb. 27

Federal Judge William Bondy, in an order filed in the U. S. District Court yesterday, fixed Feb. 27 for a hearing to determine whether the Irving Trust Co., as trustee of RKO, will be compelled under the rules of the court to notify over 20,000 stockholders and creditors of RKO of objections filed by Ernest W. Stirn, holder of Class A stock of the company.

Application for the hearing was made by Irving Trust in a petition which stated that Stirn had objected to Judge Bondy's extending permission to creditors to file claims by modifying a previous order and dispensing with the necessity of physical presentation by claimants of certificates of stock and debentures before being heard.

Stirn yesterday filed notice of appeal from Judge Bondy's decision approving the plan with minor modifications. This is the third appeal filed from the approval of the plan itself.

Penn. Theatre Circuit Levy Is Held Invalid

(*Continued from page* 1)

which imposed a $1 tax for one store to $500 for each store over 500 in the chain, was an invalid classification and confiscatory.

Gov. Arthur H. James declared that the question of an appeal will depend on the advice of Attorney General Claude T. Reno. The act was passed in 1937 to raise $1,500,000 for school teachers' salaries. Collection of the tax had been restrained by a temporary injunction which was made permanent today.

Columbia Plans 56 For 1939-'40 Season

(*Continued from page* 1)

number of high-budget pictures on next season's program as a result of the signing of Frank Lloyd, Wesley Ruggles and Mitchell Leisen. Montague reported that no change in the company's short subject output is expected next season and that in all probability 126 shorts will again be scheduled. McConville said Columbia would increase its Spanish-language releases with several pictures to be made in Argentina next season.

Hollywood Preview

"The Little Princess"

(*Continued from page* 1)

princess come to life. Similarly the other principal characters, Richard Greene, Anita Louise, Ian Hunter, Mary Nash, Arthur Treacher, Miles Mander, Sybil Jason and Cesar Romero are as natural as life.

"The Little Princess" is a father-daughter story. London is the locale and the time coincides with the outbreak of the Boer War. The sequences in which motherless Shirley parts from her father, Hunter, before he leaves for the front, will long be remembered. In an exclusive girls' school, conducted by Miss Nash, Shirley is treated as a little princess, but her only real friends are Miss Louise and Greene, whose romance she promotes; Treacher and Miss Jason, a slavey. Word comes that Hunter has been killed and his fortune confiscated. Thereupon the little girl, becoming victim of Miss Nash's bigoted persecutions, but not believing her father dead, starts searching hospitals for him. A slavey herself now, she finds Miss Jason a sympathetic companion. But only in the kindness of gruff Mander and Romero, and in the moments when she dreams her fairy fantasy, does she find happiness. Her searches of the hospitals bring gayety to wounded soldiers, but disappointment to her. Wounded and ill, able only to murmur his daughter's name, Hunter is returned to London. Regulations threaten to halt Shirley's search, but Queen Victoria (Beryl Mercer), breaking red tape, grants her permission to continue. In sequences marked by nerve-wracking suspense, Shirley finds her father and the reunion effects a miraculous cure. Thereupon the promise of a joyful new life dawns for the little girl.

"The Little Princess" is high caliber entertainment with equal appeal for adults and children.

Running time, 95 minutes. "G."* G. McC.

**"G" denotes general classification.*

Trade Pact Is Made Retroactive in Deal

(*Continued from page* 1)

and Herman Wobber, general sales manager, at last week's sales meeting here.

Division and district heads have been asked to send "sample problems" to Felix Jenkins, company counsel, for his legal interpretations under the proposed agreement. The problems include those affecting sales and exhibitors' privileges on cancellations, playoffs and the like. Also the mechanics of the proposals as they would affect sales and bookings and the classification of releases.

Company executives will insist that any agreements made between buyer and seller be clearly defined and in writing. Salesmen will be instructed to determine the facts of the requirements of each situation, including all economic factors. Future earnings possibilities of each situation will be analyzed more thoroughly.

"You are about to enter what I believe will be healthier distribution and an even better understanding between distributor and exhibitor," Wobber has informed his field force. "We want to adhere to every phase of any agreement made by the industry committee."

'Pompadour' to Metro

HOLLYWOOD, Feb. 20.—M-G-M has acquired film rights to "Madame Pompadour," operetta by Rudolf Schanzer and Ernst Welisch, originally produced on the New York stage in 1924.

Illinois Theatres Reopen

CHICAGO, Feb. 20.—Theatres in Champaign and Urbana reopened tonight after being closed three days on account of the flu epidemic.

Paris Houses Win Tax Reduction Fight

(*Continued from page* 1)

Government control of the film industry, hanging fire for several years, will be introduced soon. The measure was prepared by Minister of National Education Jean Zay.

Main provisions of the bill include creation of a state organization to direct collect percentage and taxes from exhibition, distribution and production; reorganization of production; limitation of theatre bills, eliminating double bills; tax on dubbing. The last two provisions would be especially harmful to American interests, and are seen as contrary to the Franco-American trade agreement.

It is expected the Government virtually will control the Gaumont and Pathe companies, including circuits and studios.

Col. Sued Over 'Exposed'

A plagiarism suit for $250,000 damages was filed yesterday in the U. S. District Court against Columbia Pictures Corp. by Gerald K. Rudulph. Columbia is charged with pirating the scenes, dialogue and action of the plaintiff's play, "Exposed." An accounting and an injunction also are sought.

Columbians to Dance

Stage, screen and radio personalities are listed among the guests of the Columbian Club for its ninth annual dance, Saturday night at the Waldorf-Astoria. Among those invited are Sophie Tucker, Tony Martin, Robert Morley, Director John Brahm, Dolly Haas and Henny Youngman.

'Buffalo' Opening

An addition to this week's openings will be "Off to Buffalo!" at the Barrymore tonight. Written by Max Liebman and Allen Boretz, the comedy deals with an effort to revive vaudeville. Melville Burke directed and Albert Lewis is the producer. Included in the cast are Joe Cook, Hume Cronyn, Elizabeth Love, Otto Hulett, Matt Briggs and others.

Divorcement Bill Signed In Dakota

(*Continued from page* 1)

Government's anti-trust suits against major companies in New York.

FBI Probes Situation

WASHINGTON, Feb. 20.—Agents of the Federal Bureau of Investigation are probing events leading up to the passage of the bill to repeal the North Dakota affiliated theatre divorce law by the state legislature, it was learned here today.

At the Department of Justice it was revealed that a number of complaints against passage of the repeal bill have been received from North Dakota officials as well as independent exhibitors, and that agents of the Federal Bureau of Investigation were sent to Bismarck from Washington to investigate charges that "pressure" tactics had been used.

At the same time, as reported earlier, the Department of Justice wrote Governor Moses that the situation was of considerable importance to the Federal Government and that repeal of the North Dakota divorce law would make the Supreme Court case "moot."

Guild to Expand Charges

HOLLYWOOD, Feb. 20.—Bernard Alpert, special attorney for the N.L.R.B., here to conduct the Board case against major producers charged with coercion and intimidation of writers and failure to bargain collectively with the Screen Writers Guild, said today new complaints with "more specific data" would be issued by the Board.

N. S. Suit Hearing Today

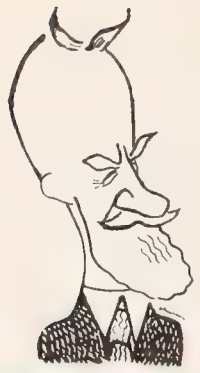
Federal Judge Alfred C. Coxe will hear application today of Trailer-Made, Inc., Pathe Film Corp. and Isidore Schwartz for an order directing National Screen Service to file a detailed statement of its complaint against the applicants.

London House Drops

LONDON, Feb. 20.—A drop of $2,400 in the year's profits of London Pavilion, Ltd., is accounted for this year by the chairman, Walter Payne, on the ground that there were not enough outstanding films to meet the theatre's demands.

Unions Ask Dismissal

HOLLYWOOD, Feb. 20.—Sound Technicians Local 695 and Studio Photographers Local 659 of I.A.T.S.E. today filed with the N.L.R.B. here a petition to dismiss charges of company unionism against international and major producers.



The man with the whiskers wrote it. Leslie Howard is the star. The cast includes Wendy Hiller, Wilfrid Lawson, Marie Lohr, Scott Sunderland. Directed by Anthony Asquith and Leslie Howard. Produced by Gabriel Pascal.



"I put the LION in PYGMALION!"

PYGMALION

RELEASE DATE MARCH 3rd!

Here's the most interesting situation within recent film history!

It started when M-G-M acquired this celebrated English production, the first of Bernard Shaw's works to be personally supervised by him.

M-G-M exhibitors did not contemplate this when they signed their current year's contracts.

Any M-G-M customer was privileged to say "I did not buy 'Pygmalion'."

And then things happened!

We decided to back up our own faith in the great value of this entertainment by the judgment of the public.

We set out to establish "Pygmalion" at the box-office to let it speak for itself in the language exhibitors understand best, dollars and cents, mass audience reaction.

The rest is history. From the very first day when police handled the crowds at the Astor on Broadway, there was never any question but that here was an unusual attraction. Now in its 12th packed week in New York; and 8th record week in Los Angeles! The first "typical American city" test at Dayton, Ohio was sensational and had to be held a second big week. From city to city it swept like wildfire.

(Continued)

(Continued)

It's the masses who are enthusiastic for Bernard Shaw's shabby flower girl who becomes a society glamor girl in an exciting experiment. And the critics fan the blaze with plaudits everywhere. And showmanship does the rest.

And here's the amazing thing:

Not one exhibitor is obligated to book "Pygmalion" as part of his M-G-M service and yet from every section of America they're asking: "When do we get it?"

The answer is "RIGHT NOW WHILE IT'S HOT!"



THE RESULTS SPEAK FOR THEMSELVES!

12th WEEK, N. Y. Astor Theatre continues S. R. O. In 10 weeks "Pygmalion's" gross at popular prices was far ahead of the complete engagement (15 weeks) of the $2 road-show "Marie Antoinette". "Pygmalion's" tenth week was better than the ninth and eighth weeks! Now in 12th week and BIG!

LOS ANGELES TERRIFIC! Fifty-two days of "Pygmalion" lead seventy-seven days (complete engagement) of "Algiers" at the Four Star Theatre.

SAN DIEGO GREAT! Five days lead seven days of "Stand Up and Fight" and full weeks of other outstanding attractions.

2nd WEEK CLEVELAND. Imagine! It's beating "Too Hot To Handle", "Love Finds Andy Hardy", "Great Ziegfeld" and many other big hits! Second grand week!

2nd WEEK PITTSBURGH. Same story here. Topping "Too Hot To Handle" and other Biggies!

TWO BIG WEEKS DAYTON! Most unusual for pictures to play 2nd week here but "Pygmalion" did it after a first week that beat "Marie Antoinette", "Too Hot To Handle", "Crowd Roars", "Yank At Oxford", "Double Wedding" and other Dayton money-getters.

SWELL BIZ EVERYWHERE! Box-office smiles also at Miami Beach; Miami; Chicago; Cincinnati; Houston; Kansas City. It's absolutely unfailing in its consistent success.

WATCH FOR MORE HIT RESULTS! Within the next two weeks you'll see "Pygmalion" fireworks in San Francisco, Rochester, Columbus, St. Louis, Indianapolis, Atlanta, Louisville, Reading, Philadelphia, Washington, Minneapolis, Milwaukee, Seattle, Memphis, Nashville, Waterbury, Buffalo, Hartford, New Haven, Boston, Toledo, Wilmington, Baltimore, Akron, Richmond, New Orleans and Worcester.

The Man With The Long White Beard Is America's New Idol!

'Gunga Din' $10,000 for Minneapolis

MINNEAPOLIS, Feb. 20.—"Gunga Din" was the leader here with a strong $10,000 at the Orpheum in a generally good week. Runnerup was "Wings of the Navy," with a take of $7,000 at the State.

In St. Paul, "Stand Up and Fight" did best, with $4,000 at the Orpheum.

Estimated takings for the week ending Feb. 16:

Minneapolis:

"King of the Underworld" (W.B.)
"Fisherman's Wharf" (RKO)
ASTER—(900) (15c-25c) 7 days. Gross: $1,500. (Average, $1,500)
"Jesse James" (20th-Fox)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $6,500. (Average, $4,000)
"Off the Record" (W.B.)
GOPHER—(990) (25c-40c) 7 days. Gross: $3,200. (Average, $3,000)
"Gunga Din" (RKO)
ORPHEUM—(2,900) (25c-40c) 8 days. Gross: $10,000. (Average, $4,000)
"Wings of the Navy" (W.B.)
STATE—(2,300) (25c-40c) 7 days. Gross: $7,000. (Average, $4,400)
"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days, 5th week. Gross: $1,600. (Average, $1,600)

St. Paul:

"Stand Up and Fight" (M-G-M)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $4,000. (Average, $3,200)
"Wings of the Navy" (W.B.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,500. (Average, $4,400)
"Off the Record" (W.B.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $1,600)
"Ride a Crooked Mile" (Para.)
"Service De Luxe" (Univ.)
TOWER—(1,000) (25c) 7 days. Gross: $2,000. (Average, $1,600)
"A Man to Remember" (RKO)
WORLD—(400) (25c-30c) 7 days. Gross: $1,800. (Average, $700)

'Tough Guys' and Apollon $8,500 Milwaukee Gross

MILWAUKEE, Feb. 20.—"Little Tough Guys in Society" and Dave Apollon and his revue were top grossers with a $8,500 take at the Riverside. Cold and snow held down grosses at other houses.

Estimated takings for the week ending Feb. 16:

"Grand Illusion" (M-G-M)
LITTLE THEATRE—(1,098) (35c-50c) 7 days, 2nd week. Gross: $3,000.
"St. Louis Blues" (Para.)
"Smashing the Spy Ring" (Col.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Little Tough Guys in Society" (Univ.)
RIVERSIDE—(2,300) (25c-30c-40c) 7 days. Stage: Dave Apollon Revue. Gross: $8,500. (Average, $5,000)
"Jesse James" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days, 3rd week. Gross: $4,000. (Average, $4,000)
"Son of Frankenstein" (Univ.)
"Off the Record" (W.B.)
WARNER—(2,400) (35c-50c) 6 days. Gross: $4,600. (Average, $5,000)
"Huckleberry Finn" (M-G-M)
"Four Girls in White" (M-G-M)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $7,400. (Average, $8,000)

Wins Tax Refund

INDIANAPOLIS, Feb. 20. — Circle Theatre Co., owner of the house's real estate, was granted a refund of $2,553.22 on its Federal income tax payments for the fiscal year ending last June 30.

Theatre Changes

CHAKERES TAKES THREE

SPRINGFIELD, O., Feb. 20.—Chakeres Theatres, Inc., has taken over the 1,000-seat Virginia and the recently completed Louvee, with 600 seats, at Wellston, O., from the Guilfoyle Amusement Co., also Bell's Opera House, with 750 seating capacity, at Hillsboro, formerly operated by Donald Evans.

BOUMA TO BUILD

POCAHONTAS, Ia., Feb. 20.—Jack Bouma, operator of the Rialto here, has purchased a lot and plans to start the erection of a $25,000 theatre by April 1.

HAMRICK REMODELS

SEATTLE, Feb. 20.—John Hamrick's Music Box here will close soon for three weeks to undergo complete refurnishing, renovating and redecorating.

HECHT ADDS SEATS

Harry K. Hecht of the Hecht Circuit is remodeling the Plaza in Paterson, N. J., at a cost of $50,000. An additional 500 seats will bring the total to 1,200.

ALTERING THEATRE

Harry Donniger who recently acquired the Pastime, Union City, from James Binco has started alterations on the house, to cost $30,000.

GETS BROOKLYN HOUSE

Abe Levy of the New United Theatres has acquired the Model, 540-seat house in Brooklyn, from Louis Dreiling.

BUILD IN PAINESVILLE

PAINESVILLE, O., Feb. 20.—Work has started on a new 1,000-seat theatre here which Abe Schwartz and Jack Shulman will build at an estimated cost of $150,000.

TAKES OHIO HOUSE

DELTA, O., Feb. 20.—Lyric Theatre in the future will be operated by K. W. Norwine, owner of the building, who did not renew the present lease with Fred Schram.

PLANS KANSAS HOUSE

KANSAS CITY, Feb. 20.—Art Pugh, exhibitor at Fredonia, Kan., is building another house there. He operates the White Way in Fredonia.

VAUGHAN SELLS HOUSE

KANSAS CITY, Feb. 20.—W. Lee Vaughan has sold the Art, in Kansas City, Kan., to E. E. Jameson and Sam Abend of Film Delivery. Jameson and Abend have leased the house to the Jayhawk Corp.

OPENS IN COLORADO

KANSAS CITY, Feb. 20.—State, a new house, has been opened in Ft. Collins, Colo., by L. C. Snyder, who operates the Mainstreet at Oakley, Kan.

NEW MEXICO CITY HOUSE

MEXICO CITY, Feb. 20.—The number of active film houses in the Federal District, which includes this city, has been increased to 68 with inauguration of the Cine Alhambra, seating 4,500, and owned and operated by Cines Modernos, S. A.

EAST COLUMBUS REOPENS

COLUMBUS, O., Feb. 20.—The East Columbus, neighborhood house, closed for installation of new sound equipment and seats, has reopened under management of Harry Rothstein. The house has been redecorated.

FOX MIDWEST GETS PLANTS

KANSAS CITY, Feb. 20.—Fox Midwest Theatres will install refrigeration and cooling plants this spring in the Grand, Duquoin; Strand, West Frankfort, and the Illinois, Jacksonville, in Illinois; for the Gem, Topeka, and the Lincoln, Kansas City.

KC ART TO FINKELSTEIN

KANSAS CITY, Feb. 20.—Rube Finkelstein took over the Art Theatre, Kansas City, Kan., Feb. 1, from Charles Vaughan.

CHESNEE, S. C., GETS HOUSE

CHESNEE, S. C., Feb. 5.—Chesnee's first motion picture theatre, has opened under the management of George Ward.

NEW KNOXVILLE HOUSE

KNOXVILLE, Tenn., Feb. 20.—Peerless Enterprises, Inc., is erecting a new theatre here, the fifth in the Peerless chain.

YONKERS HOUSE TAKEN

McLean Theatre, Inc. (Herman Miller), has taken over the operation of the Cameo, Yonkers.

BRIDGE THEATRE CLOSED

The Bridge Theatre in St. Nicholas Avenue, Manhattan, has been closed.

NEW OPERATOR OF PELHAM

New operator of the Pelham, Pelham, N. Y., is Pelham Picture House, Inc. (Joseph Carbone and Jack Fink).

TAKE MINEOLA HOUSE

David Krassner and Herman Sellack will assume operation of the Williston, Mineola, L. I., on Feb. 18.

TO BUILD AT LATONIA

CINCINNATI, Feb. 20. — Louis Weithe, who owns the Darby and Latonia at nearby Latonia, will build a 600-seat house there at an estimated cost of $75,000.

LEASE N. J. HOUSE

Metro, Fort Lee, N. J., has been leased by Donfree Theatres Co., Inc., Harry Doniger, president. The deal was arranged by Berk & Krumgold brokers.

HOWARD CLOSES

The Howard, Howard Beach, L. I., has been closed.

REOPEN BRONX HOUSE

R. & N. Amusement Corp. (Philip Smith) will reopen the Bronx, 440 East 149th St., Bronx, shortly.

TAKES OVER ROSE

Marilyn Amusement Corp. (Max Suderov) has taken over the operation of the Rose, 182 W. 102nd St., Manhattan

BUYS OHIO HOUSE

COLUMBUS, O., Feb. 20.—Garden Amusement Co., of which W. C. Chesbrough is president, has purchased the 650-seat Victor, neighborhood, built in 1912, and operated for several years by Abram Fox. George Fraker, manager of the Salem, Dayton, O., will be in charge.

'Honolulu' $12,000 Best in Cincinnati

CINCINNATI, Feb. 20.—"Pygmalion," inaugurating an all-film policy at the RKO Shubert, came through with $12,500.

"Honolulu" garnered $12,000 at the RKO Palace, and "Wings of the Navy" did $11,000 at the RKO Albee. "Jesse James" at the RKO Grand, took $3,200 in its fourth week.

Estimated takings for the week ending Feb. 16-18:

"Wings of the Navy" (W.B.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,000. (Average, $12,000)
"Honolulu" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $12,000. (Average, $10,000)
"Pygmalion" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $12,500. (Average, $12,000)
"Topper Takes a Trip" (U.A.)
RKO CAPITAL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $5,200. (Average, $6,500)
"They Made Me a Criminal" (W.B.)
RKO LYRIC—(1,400) (35c-42c) 7 days, 2nd week. Gross: $3,300. (Average, $6,500)
"Jesse James" (20th-Fox)
RKO GRAND—(1,200) (25c-40c) 7 days, 4th week. Gross: $3,200. (Average, $2,750)
"Disbarred" (Para.)
"Little Tough Guys in Society" (Univ.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,300. (Average, $1,400)
"Arizona Legion" (RKO)
"Convict's Code" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $1,000. (Average, $1,150)
"Four Girls in White" (M-G-M)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,500. (Average, $6,500)

TAKES KANSAS THEATRE

KANSAS CITY, Feb. 20.—Dan Hennessy has purchased the Rialto, Marysville, Kans., from Lee Sproule. George Hayob has reopened the remodeled Marylou at Marshall, Mo.

ONTARIO HOUSE BOUGHT

TORONTO, Feb. 20.—Theatre Holding Corp. Ltd., comprising the Allen theatre interests, has purchased the Royal at Parry Sound, Ont. The manager will be Sydney Burton of Port Colborne.

REMODEL IN CLEVELAND

CLEVELAND, Feb. 20.—Main, closed for three years, has been remodeled. Charles Gottlob and Sam Fain own the houses. William Bennett has been appointed house manager.

OPEN FLORIDA HOUSE

CHESEE, FLA., Feb. 20.—Chesnee's first film theatre has been opened by George Ward of Inman.

THEATRE REMODELED

SAN FRANCISCO, Feb. 20.—Princess in the Mission district has been remodeled at cost of $12,000.

KLOCK TAKES HOUSE

KANSAS CITY, Feb. 20. — Glen Klock, who operates the Klock at Neodasha, Kan., has taken over and will remodel the Peoples at Fredonia, Kan., formerly owned by Arthur Pugh.

PLAN DUNBAR, W. VA., HOUSE

CHARLESTON, W. Va., Feb. 20.—Lester K. Rosenfeld, owner of the Best theatre in Kanawha City and the Dunbar theatre in Dunbar, is planning to erect a second theatre in Dunbar.

'Honolulu' at $13,500 Beats Frisco Slump

SAN FRANCISCO, Feb. 20.—"Gunga Din" drew $16,000 in the second week at the Golden Gate for best gross during Fiesta Week, preceding the opening of the exposition. All theatre takes suffered due to pre-exposition activities.

"Tail Spin" and "Girl Downstairs" had a fair $15,000 at the Fox, while "Honolulu," paired with "Mr. Moto's Last Warning" took $13,500 at the Paramount.

Estimated takings for the week ending Feb. 14-17:

"Gunga Din" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Stage: Vaudeville. Gross: $16,000. (Average, $16,000)
"The Duke of West Point" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $5,200. (Average, $7,000)
"Newsboys' Home" (Univ.)
"The Lone Wolf Spy Hunt" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $5,500. (Average, $8,500)
"Tail Spin" (20th-Fox)
"The Girl Downstairs" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,000. (Average, $17,000)
"Honolulu" (M-G-M)
"Mr. Moto's Last Warning" (20th-Fox)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $13,500. (Average, $13,000)
"Jesse James" (20th-Fox)
ST. FRANCIS — (1,400) (15c-35c-40c-55c-75c) 7 days, 3rd week. Gross: $4,700. (Average, $7,000)
"Three Musketeers" (20th-Fox)
"Nancy Drew, Detective" (W.B.)
WARFIELD—(2,600) (15c-35c-40c-55c-75c) 7 days. Gross: $10,500. (Average, $13,000)
"With a Smile" (Pathe Cinema)
CLAY — (400) (15c-35c-40c) 7 days, 2nd week. Gross: $900. (Average, $1,300)
"People of Bergslagen" (Europa Films)
LARKIN — (390) (15c-35c-40) 7 days. Gross: $850. (Average, $1,300)

'Gunga' $10,000 Indianapolis Hit

INDIANAPOLIS, Feb. 20.—"Gunga Din" did a powerful $10,000 at the Indiana and was held. Excellent was "The Beachcomber" at the Circle, with $5,500. "Jesse James" did nicely for $2,500 in its third week at the Apollo. Weather was cold.

Estimated takings for the week ending Feb. 17:

"Jesse James" (20th-Fox)
APOLLO—(1,100) (25c-40c) 7 days, 3rd week. Gross: $2,500. (Average, $3,000)
"The Beachcomber" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $5,500. (Average, $4,500)
"Gunga Din" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $10,000. (Average, $5,000)
"Trade Winds" (U.A.)
"The Strange Case of Dr. Meade" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $6,800. (Average, $7,000)
"The Three Musketeers" (20th-Fox)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Gaieties, featuring Benny Ross, Maxine Stone, California Varsity Eight, Steve Evans, Jean Florian, Mattison Rhythms. Gross: $7,500. (Average, $8,000)

Arrested for Games

CINCINNATI, Feb. 20.—William E. Dodds, manager of the Imperial, neighborhood unit of Associated Theatres, has been arrested on charges of displaying lottery tickets and conducting a game of chance. The theatre was operating Bank Night, with prizes of $1 to $5, both of which police officers confiscated, with other evidence.

Hollywood Previews

"Let Us Live"

(Columbia)

HOLLYWOOD, Feb. 20.—Henry Fonda is seen here as a taxi driver sentenced to death for a murder he didn't commit and Maureen O'Sullivan plays the girl who tracks down the real murderer in time to prevent her sweetheart's electrocution. Ralph Bellamy and Alan Baxter play the other two principal roles. The picture was directed by John Brahm from a screenplay by Anthony Veiller and Allen Rivkin based on a story by Joseph F. Dinneen.

Although considerable suspense is built up while the clock ticks off the condemned man's wait for execution, the picture differs in story development only slightly from previous productions predicated on the same state of affairs. The film is entirely different, however, in that the dialogue spoken by its principal characters is made to constitute an outspoken indictment of police methods, judiciary procedure and organized society's handling of the crime problem generally.

The story, relying heavily on coincidence, has Fonda mistakenly identified by eye-witnesses of a murder, convicted on circumstantial evidence supported by this identification and sentenced to death. Miss O'Sullivan sets out to find new evidence and induces Bellamy, a police official ordered to other duties, to resign his job so that he can aid her. They save the taxi driver in spite of officialdom's indifference, but he is an embittered man and the ending is happy only in the sense that it is not tragic. There is much denouncing of prevailing crime detection and prosecution methods the while.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

"Twelve Crowded Hours"

(RKO)

HOLLYWOOD, Feb. 20.—An excitingly told crime melodrama, "Twelve Crowded Hours" is a riot of action and suspense in which Richard Dix portrays the role of a New York crime reporter engaged in bringing to justice members of a policy racket gang. It is unfolded with a minimum of waste effort, tribute to the screenplay of John Twist, the direction of Lew Landers, and production efforts of Robert Sisk. A story by Garrett Fort and Peter Ruric formed the basis.

Supporting Dix are Lucille Ball, Allan Lane, Donald MacBride, Cyrus W. Kendall, John Arledge, Granville Bates, Bradley Page, Dorothy Lee, Addison Richards, Murray Alper, John Gallaudet and Joseph de Stefani. Outstanding among the capable performances is that of Kendall, who brings to the screen a new development of the menace business in his role as the policy racket head.

The picture opens with a montage sequence showing New York at nightfall. Among the figures is a woman in black skirt, black lace stockings and black shoes leaving her rooming house. After establishing shots, the story opens with Dix attempting to effect a reconciliation with Miss Ball, whose brother, Allan Lane, was sent to prison principally because of Dix' expose stories. After four murders occur, Dix traces the crimes to Kendall and is held prisoner by the gang leader. Kendall's plan to kill him and Miss Ball is defeated and the gang leader goes to his death with three of his accomplices. The film ends with another montage sequence showing that it is 12 hours later, and members of the preview audience snickered when the same woman shown earlier, and still unidentified, returns home with a more languid walk.

Running time, 65 minutes. "A."* VANCE KING

*"A" denotes adult classification.

Wisconsin Daylight Saving Bill Is Killed

MADISON, Feb. 20.—Schlabach bill which would have legalized daylight saving time has been killed in the State Assembly. Although this measure, adverse to theatre interests, has been disposed of, others affecting the industry have been introduced.

Assemblyman Harold A. Lytie has introduced a measure to legalize state-sponsored lotteries, while another measure has been introduced giving county boards the right to license or prohibit slot and pin ball machines.

It is apparent that money raising bills will receive favorable hearing in this session because of the increas-

McClelland's Wife Dies

TORONTO, Feb. 20. — Myrtle Irene McClelland, wife of Ronald McClelland, pioneer suburban theatre owner, died here after a short illness. McClelland is the owner of the Capitol here, which is operated by Famous Players.

Club in New Quarters

TORONTO, Feb. 20.—New club premises and office facilities have been obtained by the Independent Theatres Association of Ontario on the eighth floor of the Hermant Building here, where luncheon meetings will be held in the future.

'Wings' Hits $33,000 in 2 L.A. Houses

LOS ANGELES, Feb. 20.—"Wings of the Navy" was the big grosser here, taking a total of $33,000 at two houses, $15,500 at the Warner Hollywood and $17,500 at the Warner Downtown.

"The Beachcomber" took $19,500 at the Paramount, and "Pygmalion" drew $6,300 in its seventh week at the Four Star.

Estimated takings for the week ending Feb. 15:

"Stand Up and Fight" (M-G-M)
"Flirting With Fate" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $9,900. (Average, $12,500)
"Pygmalion" (M-G-M)
FOUR STAR—(900) (40c-55c) 7 days, 7th week. Gross: $6,300. (Average, $3,250)
"Gunda Din" (RKO)
HILLSTREET — (2,700) (30c-65c) 7 days, 3rd week. Gross: $7,500. (Average, $6,500)
"Stand Up and Fight" (M-G-M)
"Flirting With Fate" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $13,400. (Average, $14,000)
"Gunga Din" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days, 3rd week. Gross: $6,900. (Average, $7,000)
"Beachcomber" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $19,500. (Average, $18,000)
"Wings of the Navy" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $15,500. (Average, $14,000)
"Wings of the Navy (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $17,500. (Average, $12,000)

'Honolulu' Gross Of $7,200 Leads Seattle Theatres

SEATTLE, Feb. 20.—"Honolulu" and "Mr. Moto's Last Warning" took $7,250 at the Paramount to lead here in a rather slow week. "Made for Each Other" drew $5,300 at the Liberty, and "Little Tough Guys in Society" and "The Lady Objects" did $5,200 at the Palomar. The weather was bad.

Estimated takings for the week ending Feb. 17:

"Topper Takes a Trip" (U.A.)
"Ride a Crooked Mile" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,900. (Average, $4,000)
"Jesse James" (20th-Fox)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days, 2nd week. Gross: $6,800. (Average, $7,000)
"Made for Each Other" (U.A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 2nd week. Gross: $5,300. (Average, $5,000)
"Idiot's Delight" (M-G-M)
"While New York Sleeps" (20th-Fox)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,400. (Average, $4,000)
"St. Louis Blues" (Para.)
"Secrets of a Nurse" (Univ.)
ORPHEUM — (2,450) (30c-40c) 7 days. Gross: $5,700. (Average, $6,000)
"Little Tough Guys in Society" (Univ.)
"The Lady Objects" (Col.)
PALOMAR — (1,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Cirinello & Fortunello. Gross: $5,200. (Average, $5,000)
"Honolulu" (M-G-M)
"Mr. Moto's Last Warning" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,200. (Average, $6,000)

Change "Kildare" Title

HOLLYWOOD, Feb. 20.—"Calling Dr. Kildare" has been selected as the final title for the film known as "Dr. Kildare's Mistake."

"YOU CAN'T AN HONE

in its First

RIVOLI, NEW YORK . . . Opened at Rivoli Theatre Saturday . . . By Sunday Night on way to house record for season. Will hold over for three weeks.



KEITH'S BALTIMORE . . . Manager Schanberger of Keith's reported: "After vain efforts for two months to awaken business, this does it. More laughs than I have heard in ages!"

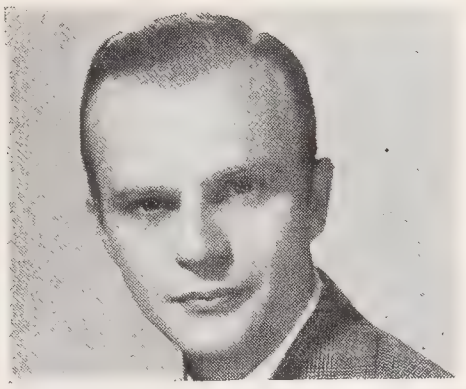


CIRCLE, INDIANAPOLIS . . ."Continuous laughter of audience drowned out many of the gags. Business almost tops anything in theatre's history despite continuous rain all afternoon and evening. Picture definitely box office."

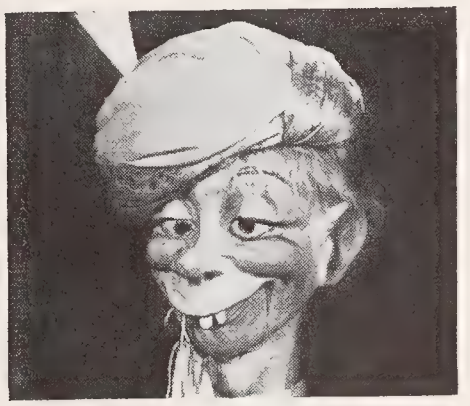
—at the box-office...where it counts...and

CHEAT
ST MAN"....
Six Openings!

UNITED ARTISTS, PORTLAND, OREGON . . ."Honest Man actually outgrossed any Durbin picture. Can truthfully say 30% of Fields or Bergen gags lost by continuous laughter."



LOEW'S HARTFORD . . . At Loew's, "You Can't Cheat An Honest Man" beats both "100 Men and a Girl" and "That Certain Age."



MOHAWK, NORTH ADAMS, MASS. . . ."HONEST MAN opened very big. Beating any previous gross on record. Manager reports picture had audience actually rolling in aisles

where the public decides!—UNIVERSAL

Production Rises With 44 in Work

HOLLYWOOD, Feb. 20. — Forty-four pictures were before the cameras this week, an increase of five over last week's total. Eleven started, and six finished. Eighteen are being prepared, and 65 are being edited.

Started were "Blind Alley" Columbia; "Calling Dr. Kildare," "A Hundred to One," M-G-M; "Streets of New York," Monogram; "The Magnificent Fraud," Paramount; "Sorority House," RKO; "Lone Star Bullets," Republic; "Police School," "The Gorilla," 20th Century-Fox; "Gantry the Great," "Waterfront," Warners.

In addition to these, shooting were: "Plane No. 4," Columbia; "Wuthering Heights," Goldwyn; "Wizard of Oz," "Tarzan in Exile," "Lucky Night," "Maiden Voyage," "Penthouse," "Kid from Texas," "Within the Law," M-G-M; "Union Pacific," "Beau Geste," "Man About Town," "Invitation to Happiness," "Gracie Allen Murder Case," "Some Like It Hot," Paramount; "Fixer Dugan," RKO; "Man of Conquest," Republic; "Captain Fury," Roach; "Gone With the Wind," Selznick; "Alexander Graham Bell," "Rose of Washington Square," "Susannah of the Mounties," "News Is Made at Night," "Stanley and Livingstone," "Charlie Chan in Reno," 20th Century-Fox; "Three Smart Girls Grow Up," "East Side of Heaven," Universal; "The Roaring Road," "Hell's Kitchen," "Confessions of a Nazi Spy," "Each Dawn I Die," "Nancy Drew, Trouble Shooter," "American Family," Warners.

Finished were: "Prairie Nights," Columbia; "Sergeant Madden," M-G-M; "Trigger Smith," Monogram; "They Made Her a Spy," RKO; "Risky Business," "Murder in the Surgery," Universal.

M-G-M is shooting two, and Warner one short subject. Five are being prepared, and 17 are being edited.

Iowa Unions Fight Bill to Stop Games

DES MOINES, Feb. 20.—Theatre unions in Iowa are lined up in opposition to the bill pending in the Iowa House to abolish chance games.

George Hartnett, I.A.T.S.E. secretary, says 22 locals in 18 Iowa towns offer assistance to exhibitors if they want to fight the bill. The unions feel that merchants benefit on nights when theatres run chance games, attracting trade to the towns, and have better than usual Saturday business.

Kissing in Mexican Theatres Now Legal

Mexico City, Feb. 20.—Kissing in theatres here is now quite all right and police who used to have a fine time with arrests now have to stand by and take it, for the old law that made kissing in public a misdemeanor, punishable by fines, has been annuled.

The law was killed when the police department found that some policemen made a racket of shaking down kissers they caught in the theatres and other public places.

Injury Prevention Stressed by Court

OKLAHOMA CITY, Feb. 20.—It is the duty of theatre proprietors to exercise a high degree of care to prevent injury to their patrons, the State Supreme Court has ruled.

It upheld a jury verdict of District Judge George H. Giddings awarding $1,750 to Mrs. Nova Hughes of Oklahoma City for injuries received when she fell in the Liberty in Oklahoma City May 29, 1935. Mrs. Hughes contended that Standard Theatres Corp. was negligent in not having adequate lighting equipment so that she could see the "jump off" when she left her seat.

Kill New Game Plan Budding in Toronto

TORONTO, Feb. 20.—Conciliation Committee of the Toronto Board of Trade, Film Section, has succeeded in stamping out a form of giveaway which was new in the Toronto theatre field, consisting of a coupon which entitled the recipient to obtain two admission tickets for the price of one within a stated time. The committee threatened to obtain cooperation from the film exchanges when the two exhibitors involved came to an agreement with the conciliation board to drop the stunt.

Calls Game Lottery

OKLAHOMA CITY, Feb. 20.—The state attorney general has branded as a lottery a socalled "shoot-the-wheel" scheme used in an Ardmore, Okla., theatre to select a prize winner from among its patrons. The lucky number was selected by shooting at a spinning wheel containing the numbers.

Sounds as good as it looks — and it looks like a million!

New RCA PHOTOPHONE MAGIC VOICE of the SCREEN

with Rotary Stabilizer

PLUS SHOCK PROOF DRIVE

Designed for any theatre— regardless of size.

PHOTOPHONE RCA HIGH FIDELITY SOUND

Legion Approves 13 Of 14 New Pictures

National Legion of Decency approved 13 of the 14 films reviewed and classified this week. Five were found unobjectional for general patronage, eight unobjectionable for adults and one objectionable in part. The films and their classifications follow. Class A-1, Unobjectionable for General Patronage—"Adventures of Jane Arden," "The Headlys at Home," "Home on the Prairie," "Pride of the Navy" and "Thundering West." Class A-2, Unobjectionable for Adults—"Cafe Society," "Fast and Loose," "Lone Wolf's Spy Hunt," "One Third of a Nation," "Stagecoach," "Star Reporter," "Twelve Crowded Hours" and "Woman Doctor." Class B—Objectionable in Part—"Never Say Die." Special classification was given to "The Will of the People (Spain Fights On)" with the observation that it is a documentary film containing propaganda for the Madrid-Valencia Government in Spain.

Warners' "Yes, My Darling Daughter" has been placed in the "C" or condemned classification by the National Legion of Decency. The Legion said that the film, "throughout the greater portion of its length, maintains an attitude contrary to the fundamental concepts of marriage, morals and parental authority."

Opposition Grows to Kansas Chain Taxes

KANSAS CITY, Feb. 20.—Farm and labor leaders of Kansas have joined with chain stores in opposing passage of the chain store tax bill by the legislature. The opposition was expressed at a hearing of the taxation committee of the legislature in Topeka.

Due to an opinion of the Kansas Supreme Court that a theatre admission ticket constitutes a commodity, or a sale at retail, it is considered possible that the bill, if passed, would affect theatre groups operating in the state.

Seek 'Dodge' Opening

HOLLYWOOD, Feb. 20.—Resolution of the Kansas state legislature and a scroll containing 10,000 signatures were presented to Harry M. Warner, president of Warners, and Jack Warner, vice-president, with a request that "Dodge City" be given its world premiere at Dodge City, Kan.

Turnesa Plea Denied

Application by the six Turnesa brothers, golfers, for a jury trial of their suit against Pathe News, Inc., RKO and R. H. Macy & Co., was denied yesterday by Federal Judge John C. Knox. The Turnesa brothers charged the defendants with advertising a golf ball in a motion picture without their consent.

Would Tax Carnivals

OKLAHOMA CITY, Feb. 20.—Merton Munson, state senator, is preparing a bill which would bar carnivals except for payment of $100 a day license fee. He said he would introduce such a measure in the present session of the Oklahoma legislature.

Riley on Television

Tom L. Riley has been shifted to the NBC television program staff.

Warner in Attack On "Foreign Isms"

LOS ANGELES, Feb. 20.—Speaking to some 1,400 Warner Club members and guests at the Biltmore Bowl here Saturday night, Harry M. Warner warned company employes that some of their own number were sympathetic to "foreign isms."

He urged company personnel to proceed vigorously against any such individuals and to notify him of "un-American manifestations" noted.

Jackie Cooper acted as master of ceremonies for an elaborate show. This was the Warner Club's annual dinner dance.

Defense Finishes in Action by Acoustics

WILMINGTON, Feb. 20. — Defense rested today in the patent action of British Acoustic Films against RCA and ERPI, calling Dr. Edward W. Wente of Bell Telephone Laboratories as the closing witness. The litigation is now in its fifth day before Judge John P. Neilds.

Wente explained modification of the various arrangements on patents involved in the action. Paul J. Lawson, Warner patent expert, was called in rebuttal by the plaintiffs and described the action of the rotary stabilizer.

Larson compared film passage on other patents with British Acoustics and pointed out where on another patent the padroller was on the side of the sprocket instead of in the customary place on top. He testified there was difference between the free loop and resilient loop, one of the principal points involved in the litigation.

Fifteen New Houses Planned in Ontario

TORONTO, Feb. 20.—No less than 15 new theatres are under construction or about to be started in various sections of the Province of Ontario, large and small cities being included in the list.

Two theatres are projected in the City of Toronto, Cornwall and St. Catharines while one new house is under way in the following centers: Port Colborne, Leamington, Tillsonburg, Sudbury, Glencoe, Oshawa, Kirkland Lake, Brantford and Oshawa. Five of the new theatres will be circuit units.

Receipts Tax Proposed

KANSAS CITY, Feb. 20.—Repeal of the two per cent sales tax and substitution of a gross receipts tax of from 5 to 15 mills per dollar on all business operations would be accomplished in Kansas if a bill introduced in the legislature becomes law. Reps. Malone, Moore and Kessler of Wichita introduced the measure.

Drop K. C. Vaudeville

KANSAS CITY, Feb. 20.—Poor business has caused the Fox Tower to discontinue weekly vaudeville and films, effective March 2. The house will substitute a policy of playing an occasional "name" band when available, and will play better films than have been the rule the past year under the policy of elaborate stage shows.

Typical Eastman
RELIABILITY

EASTMAN *Plus-X* for general studio work . . . *Super-XX* for all difficult exposures . . . *Background-X* for backgrounds and all-round exterior work. . . . All three of these new negative films have special features suited to their particular fields . . . plus the typical Eastman reliability that has served the industry so well in the past. Eastman Kodak Company, Rochester, N. Y. (J. E Brulatour, Inc., Distributors, Fort Lee, Chicago. Hollywood.)

EASTMAN *Plus-X* . . .
Super-XX . . . *Background-X*

Deny Crosley Plea For FCC Rehearing

WASHINGTON, Feb. 20.—Application of the Crosley Corp. for a rehearing on the order voiding WLW's super-power experimental permit was denied today by the Federal Communications Commission. The Crosley petition specified 10 points of alleged error on the part of the commission, all of which today were held groundless as a basis for reconsideration.

The commission also refused a request for a stay of effective date of the order revoking the experimental license until such time as WLW has exhausted other avenues of opposition. The commission held that "granting of special experimental authorization is a function which Congress has committed solely to the commission" and "it would be idle for the commission to postpone the effective date of its decision, since there are no remedies open to the petitioner other than upon application to this commission."

Atlantic Will Air Yale Grid Contests

Atlantic Refining Co. has signed again to sponsor play-by-play broadcasts of the 1939 Yale football schedule, through WNAC and the Yankee network, starting Oct. 7. Handled through N. W. Ayer & Son, the broadcasts will be heard over WNAC, WTIC, WEAN, WTAG, WICC, WSAR, WNBH, WLLH, WNLC, WSPR, WATR, WFEA and WLNH. Yale's games with Columbia, Penn, Army, Michigan, Dartmouth, Brown and Princeton will be covered.

Approve KOMA Sale

OKLAHOMA CITY, Feb. 20.—Sale of KOMA to J. T. Griffin, Muskogee, Okla., on condition no protest is filed in the next 30 days, has been approved by the Federal Communications Commission, according to Raymond Ramsey, manager. Sale of the station was announced last November by Hearst Radio, Inc., which will operate the station until the transfer becomes final.

Radio Personals

A DAUGHTER was born Saturday to Mrs. Will H. Yolen, wife of the New York representative of Tom Fizdale, public relationist. . . . Jan Savitt's orchestra signed by Decca for recordings, Consolidated Radio Artists setting the deal. . . . Ignace Paderewski arrives here today on the *Ile de France*. . . . Hildegarde returns to the air Wednesday in the "99 Men and a Girl" show, the first regular series for her in over a year and a half.

Television Talks Are Planned by the BBC

LONDON, Feb. 20.—A discussion series on television has been scheduled by B.B.C., with Howard Marshall in the chair. First of these broadcasts went over the air late last week, with Denis Johnson, playwright and producer, and Mrs. Wyndham Goldie, television critic, taking part.

Points raised were that television was entirely different from the film or the theatre, largely because of its intimacy, that it is intended to be seen at the home fireside and that, whereas the development of the screen has been spread over 25 to 30 years, the development of television will be compressed within the next five years.

KSAN Expands News

SAN FRANCISCO, Feb. 20.—KSAN is undertaking extensive news coverage, with purchase of International News Service and signing of a 52-week deal for sponsorship by Progressive Optical Co. Two announcers, broadcasting 20 five-minute programs daily, will be aided by two "reporters" checking local stories, to augment INS coverage.

Radio Firm Formed

ALBANY, Feb. 20.—National Television Company, Inc., radio broadcasting business, has been chartered by David H. Jackman, R. J. Gorman and Edwin E. Lindgren, New York.

N.A.B. Convention To Be Held in East

WASHINGTON, Feb. 20.—Annual convention of the National Association of Broadcasters will be held in the east, rather than in San Francisco, the N.A.B. has decided. Washington or Atlantic City will be the place, with the meeting date set for June.

The change in the convention meeting place was made because of inadequate facilities in San Francisco because of the fair in that city, and because the industry feels that the convention should be held in or near Washington because of the Congressional radio situation.

Philco Will Market Television Receivers

A limited number of television receiving sets will be manufactured and offered for public sale beginning in May by the Philco Television and Radio Corp. The sets are being timed for sale with the start of regular television here. NBC and CBS will operate regular television schedules during the operation of the World's Fair, and regular television also is scheduled to begin shortly in Schenectady, Milwaukee and Los Angeles.

News Drama Series To Start on Mutual

"Front Page Parade," a new series of dramatic reenactments of the day's news, and featuring Peter Grant, will begin a Monday, Wednesday and Friday schedule over Mutual starting Feb. 27. Series will be sponsored by Richman Bros., through a placement by McCann-Erickson.

From 7:30 to 7:45 P. M., the program will be aired over WLW, WGN, KSTP and KXOX, and from 6:30 to 6:45 P. M. over WHK, WSPD, and WCAE.

New Show on WEAF Runs for 13 Weeks

"Names Make News," a new local series featuring George Hicks speaking of people who make headlines, began yesterday over WEAF for 13 weeks. Series will be heard Mondays, Wednesdays and Fridays, sponsored by Morris Plan Bank. Gotham Advertising Co. placed the contract.

Renewed for another eight weeks on the air is "Dog Heroes," sponsored over WJZ by the Modern Food Process Co. Clements & Co. is the agency.

NAB Arranges for Congress Talk Discs

WASHINGTON, Feb. 20.—The National Association of Broadcasters has made arrangements with Radioscriptions, a recording organization in Washington, to record talks by Congressmen or Senators, at a price of $3.50 per program, including mailing for members of the N. A. B. who are interested in this type of program. The N. A. B. has long been queried by member stations for a service similar to this.

Yocum Joins Compton

Trell Yocum has resigned as manager of the new business department of Young & Rubicam to become executive vice-president and director of the Compton agency.

Banner LINES

"WHITE BANNERS," a radio serial adapted from the best seller book of that title, this week will be offered to clients for five-a-week sponsorship. The serial has already received the sanction of many of the leading women's organizations in the U. S. as the perfect type of radio broadcast for juvenile and adult listeners. Among the organizations sanctioning the program—which will be produced under the supervision of Dr. Lloyd C. Douglas, author of "White Banners," "Magnificent Obsession," "Green Lights" and others—are General and State Federation of Women's Clubs, National Education Association, General Federation of Churches, Motion Picture Appreciation Groups, Boy Scouts and Girl Scouts, Legion of Decency, and Daughters and Sons of the American Revolution. "White Banners" is being handled for radio by the T. W. Radio Productions, Inc.

▼

Life is like that, CBS publicity boss Lou Ruppel will learn this morning when he opens his mail. Ruppel proudly stated in a recent CBS press release that the first broadcast ever to be heard from Albania would be carried by his network Feb. 21. Yesterday, NBC publicity director Clay Morgan, signing himself "yours for greater accuracy," wrote a letter to Ruppel reminding him that NBC, on March 27, 1937, aired a program of folk music from Albania.

Mutual is yet to be heard from.

▼

From an unimpeachable source it is learned that the Capitol Theatre beginning this spring will feature a tremendous symphony orchestra in its pit. The symphony plan won out over a stage band policy because of difficulty the Capitol foresees in booking popular stage bands, what with the Paramount, Strand and Loew's State now having first call on the swing units. A permanent conductor will preside over the Capitol's symphony, but famous guest conductors will be called in from time to time. First famous guest conductor the theatre is after is Stokowski.

▼

First television broadcast of a commercial program will be etherized Sunday, Feb. 26, with Amos 'n' Andy before the camera. The day before the blackface team will offer their special half-hour program from the World's Fair grounds. The television show will also come from the World's Fair.

Seems to us that somewhere we've been reading something about motion picture studios withdrawing their stars from the air. But we must be wrong, for now it appears that Warners are about to produce a program titled "Let's Go Hollywood," which, with John Garfield and the "Dead End Kids," will be offered over KFWB, Warners Hollywood station, and by a "feed" to approximately eight stations of the Don Lee California network. Ford Motor Co. is to sponsor the west coast show.

Moreover, we hear that this same program may be offered cooperatively over a coast-to-coast network, with the starting date set for early in March.

—JACK BANNER



WANT FILMS "Johnny-on-the-Spot"?

Films shot A.M., screened P.M. many miles away? Easy! Just ship them by AIR EXPRESS—3-mile-a-minute service with day and night deliveries. Smart exhibitors jump box office receipts with newsreels flown "hot from the spot." Low cost, high returns. Direct super-speed service to 232 key cities in U.S. and Canada. Fast air-rail connections to off-airline points. Also to Latin America, Hawaii and Far East.

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AIR EXPRESS



AIR EXPRESS
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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 36 NEW YORK, THURSDAY, FEBRUARY 23, 1939 TEN CENTS

"U" Gross Up $2,000,000 In Last Year

Cowdin Reports Revenue Total $20,190,117

Universal's gross revenue increased more than $2,000,000 during the fiscal year ended Oct. 29, 1938, J. Cheever Cowdin, chairman of the board, informs the company's stockholders in a letter accompanying the annual financial report. Gross for the year amounted to $20,190,117.

Loss for the year was reduced to $591,178, after all charges, including depreciation and amortization of fixed assets in the sum of $269,232, compared with combined net loss for the year ending Oct. 30, 1937, of $1,084,998, after all charges, including depreciation and amortization of fixed assets in the sum of $370,286.

Credit for Improvement

Cowdin's letter to stockholders credits the improvement in gross revenue last year to "improved sales policies and methods" under William A. Scully, distribution head; to "better quality product" since inauguration of Cliff Work's studio regime, and to "the entire new management under the leadership of Nate J. Blumberg, president." In noting the improvement Cowdin points out that it was accomplished in less than one year

(*Continued on page 6*)

W. B. Plans 15 in England This Year

Warners plan 15 films in England this year, according to Jerome Jackson, managing director of the Teddington Studios, who arrived Tuesday night on the *Ile de France*. This compares with 11 last year.

Last year's schedule included two double quota films and it is planned to increase the number in this classification and triples may be included.

Primarily the Warner program has concentrated on single quota films at a minimum expenditure of $75,000 on labor alone. The cheapest Warner film cost about $120,000. Max Miller is Warners' big star in England.

Jackson has been in charge at Teddington almost a year. This is his first visit here in two years. He will remain three or four weeks for conferences on the new program with Sam E. Morris, vice-president in charge of foreign activities.

Revisions of Trade Pact Draft Finished

Distributors' counsel have completed revisions of the proposed trade practice program in light of the recommendations submitted by Abram F. Myers, Allied general counsel.

General sales managers of the major companies will complete consideration of the draft by tomorrow, it is expected, and a meeting with Myers is scheduled for next week. The present draft represents the program substantially as it will be put into effect.

"Big" Nick, Weston Indicted on Extort Charges in St. Louis

ST. LOUIS, Feb. 22.—Clyde A. Weston, local business agent of the I.A.T.S.E. operators' union, and John P. (Big) Nick, union leader, were indicted here today for alleged extortion of $7,000 in 1937 from theatre owners.

Nick was indicted jointly with Edward M. Brady a month ago, charged with extorting $10,000 from exhibitors in 1936 under threats of ruinous increases in operators' salaries.

Weston was immediately arrested and released on $25,000 bond. Nick, at liberty on a similar bond in the first case, was reported out of the city.

K-A-O Board Elects McCaffrey Member

John J. McCaffrey of the building firm of Best & McCaffrey was elected a director of Keith-Albee-Orpheum Corp. to fill a vacancy existing since the death last December of Peter J. Maloney, a representative of the M. J. Meehan investment interest. Election occurred at a meeting of the K-A-O board, Tuesday.

The board declared a dividend out of operating surplus of $1.75 per share on the seven per cent cumulative convertible preferred of K-A-O for the quarter ended June 30, 1936, payable April 1, next, to holders of record on March 15.

Alice Faye Off Air

HOLLYWOOD, Feb. 22.—Darryl F. Zanuck completed negotiations with Alice Faye and rewrote her contract rescinding the clause which gave her the right to make eight radio appearances a year.

Para. Acts to Kill Dakota Litigation in U.S. Supreme Court

A motion to dismiss the litigation involving the constitutionality of the North Dakota affiliated theatre divorce law will be made by counsel for Paramount in the U. S. Supreme Court on Monday.

The motion will be made on the ground that repeal of the statute by the North Dakota legislature has made the Supreme Court case "moot" or of no consequence. Granting the motion and dismissal of the case is automatic in instances of this kind.

Test in 1942 Seen

Industry attorneys are agreed that ending of the North Dakota case makes any final test of state theatre divorce legislation highly unlikely before 1942. Bills similar to the North Dakota statute are pending in Nebraska, Missouri and Kansas, but, even if enacted during the current legislative sessions, would not become operative until next Jan. 1. The various legal processes necessary to bring a case testing the constitutionality of the statutes before the Supreme Court would require another two years.

Industry opinion is that the Government anti-trust suit pending in Federal court here will have been disposed of before another state divorce statute is enacted and tested. Because of Department of Justice statements during the past week that repeal of the North Dakota statute would have a direct bearing on the anti-trust suit, home office opinion holds that the Department anticipated a Supreme Court decision upholding the constitutionality of the law which it would use as a

(*Continued on page 6*)

North Dakota Senate Gets New Film Bill

BISMARCK, N. D., Feb. 22.—With the ink scarcely dry on the Governor's signature to a bill repealing the North Dakota theatre divorcement act, a new bill appeared in the legislature yesterday.

The measure, introduced in the Senate, provides that no new motion picture theatre may be established in a community where one is already operating except by express permission of the licensing authority of the state, which would be the attorney general.

Also before the legislature are measures providing for a five-cent admission tax and for a gross transactions tax which, as applied against theatres, would amount to two per cent.

Rehearing of Dallas Appeal To Be Sought

Interstate, Consolidated Plan Petition

DALLAS, Feb. 22.—Interstate Circuit and Texas Consolidated Theatres decided today to petition the U. S. Supreme Court for a rehearing of the appeal from the Dallas Federal court decision holding its admission-regulating contracts with distributors to be illegal. The Supreme Court affirmed the lower court decision last week.

John R. Moroney, of counsel for Karl Hoblitzelle and R. J. O'Donnell, heads of the two theatre operating defendants, said that a separate motion for a rehearing will be filed in the Supreme Court in the near future.

Counsel for distributor defendants in the Dallas case have not formally decided yet to ask the Supreme Court for a rehearing but expect to make their decision early next week. However, there is little doubt that a reargument will be sought, particularly in view of the theatre defendants' decision to make a separate motion for reargument.

Defendants have until March 13 to file their petition.

Joe Brandt Dies; Former Col. V. P.

LOS ANGELES, Feb. 22.—Joe Brandt, veteran industry figure, died this afternoon at his Beverly Hills home following a long illness. He was 56 years old. Besides his wife, he is survived by a son, Jerrold Thurston.

Joe Brandt was born in Troy, N. Y. in July, 1882. After graduation from high school there he attended New York University from which he held a bachelor of literature degree. He was admitted to the bar in 1906.

Brandt entered the motion picture field in 1908, when he became secretary to Carl Laemmle. Previous to that he had been with the Hampton Advertising Agency and had served as New York representative of *Billboard*. He also was advertising manager of the *Dramatic Mirror*.

With Carl Laemmle he was instrumental in forming Universal Pictures Corp., of which he was general manager. In 1921 he resigned and formed

(*Continued on page 6*)

Miami Crowd Sees 'Cafe Society' Open

MIAMI, Feb. 22.—With the tourist season at its peak, Manager George Hoover of the Sheridan, Steve Lynch's ace house here, gave Paramount's "Cafe Society" a brilliant opening here last night. It was the third world premiere spotted at the house this season, and topped the others in its guest list of picture, stage, social, business and political personalities.

Among those noted in the audience were Barney Balaban, E. J. Sparks, S. A. Lynch, Leo Spitz, Herman Robbins, Major Albert Warner, Myer Schine, Joseph Ungar, John Hertz, Sam Shain, Hal Halperin, Frank Rogers, Damon Runyon, Bob Hall, Larry Schwab, Williard McKay, Ernest Morrison, Hubert Lyons, Henry Needles, Sheila Barrett, Ed Sullivan, Walter Winchell, Hal Danson, Ralph Rainger, Leo Robbins, N. L. Nathanson, Mrs. Joe Vogel, Sam Buchwald, Allen Cross, Henry Dunn, Harry Kuchman, Max Fleischer, Dave Fleischer, Phil Reisman, Percy Elkeles, Mrs. Le Clair Harling, E. B. Coleman, Joe E. Lewis, Jack Dempsey and Hannah Williams.

'Wife, Husband' Set For Roxy Tomorrow

"Wife, Husband and Friend" opens tomorrow at the Roxy to follow "The Three Musketeers." "Cafe Society" started at the Paramount yesterday. Second week of "St. Louis Blues" grossed an estimated $30,000. Final six days of the three-week run of "Idiot's Delight" attracted an estimated $26,000 at the Capitol. "Honolulu" opened there one day early in order to take advantage of the holiday trade. "Off the Record" will hold over for a second week at the Strand.

Schlaifer Concluding Six-Week Sales Tour

Jack Schlaifer, western general sales manager for United Artists, will conclude a six-week tour of his territory with a visit to Chicago on Saturday, where he will attend the opening of "Stagecoach" at the Roosevelt.

Schlaifer left San Francisco on Monday and will stop off at Salt Lake City en route to Chicago. He will return to New York early next week.

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VIA
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The MERCURY		The SOUTHERNER	
Lv.	5:10 p.m.	Lv.	10:45 p.m.
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AMERICAN AIRLINES Inc.
THE AMERICAN STANDARD OF SERVICE

Purely Personal

NATE J. BLUMBERG, Universal president, again has postponed his return to New York and may remain at the studio for another week.

•

H. M. RICHEY of RKO is suffering from a turned ankle.

•

HERBERT WILCOX plans to sail for England Saturday on the *Queen Mary*.

•

ROGER FERRI and BILL CHAMBLISS of 20th Century-Fox were in Boston yesterday for "The Little Princess" opening.

•

ELLIOT NUGENT, director of Paramount's "Never Say Die," is in town for a brief visit.

•

SPYROS SKOURAS is due tomorrow from the coast where he conducted a division managers' meeting and surveyed Fox West Coast theatres. He is accompanied by JOHN HEALY, assistant.

•

LOU POLLOCK, Universal eastern advertising and publicity director, is due back from the coast by plane today.

•

JACK KIRSCH, president of Allied of Illinois, addressed the Kiwanis Club of Indiana Harbor Tuesday on "The Value of Motion Picture Theatres in a Community."

•

LOUIS DE ROCHEMONT, producer of the March of Time, and THOMAS ORCHARD, associate producer, have returned to New York. ORCHARD was in Pittsburgh, DE ROCHEMONT visited Florida.

•

JACK SICHELMAN, assistant to HERMAN WOBBER at 20th Century-Fox, is due Monday from Florida.

•

SAM DEMBOW, JR., has returned from a Florida vacation.

IGNACE JAN PADEREWSKI arrived Tuesday night on the *Ile de France* for his first American broadcast, Sunday, over NBC-Blue.

•

JOHN BURHORN, Quigley Award Silver Plaque winner, and manager of the Gayety in East Chicago, is down with the flu which has been creating havoc in the Windy City.

•

ALBERT SINDLINGER, advertising and promotion director of the March of Time, has returned to New York after a business trip to Chicago.

•

GLORIA SWANSON is due today on the *Queen Mary*.

•

ART SCHWARTZ, stationed at the Warner studio for the Music Publishers Holding Corp., is in town.

•

JACK OSSERMAN, Chicago RKO exchange manager, has returned after a Miami vacation.

•

HENRY SHEREK and the HON. MRS. SHEREK sail today on the *Ile de France* for London. Another who will be on board is FLORENCE WALTON, dancer.

•

LARRY O'REILLY, RKO Pathe cameraman, has been certified by United Airlines as having flown more than 100,000 miles while working on three aviation shorts.

•

MORRIS HADELMAN of New Haven has been forced to postpone his southern trip because of illness.

•

TED FLEISCHER of Interstate, New Haven, has returned from a West Indies cruise.

•

RICHARD CARLSON, United Artists, player, will speak over WNYC tonight at 6:30 on "The Motion Pictures and Censorship."

Set 216 'Darling' Dates

Warners have set 216 simultaneous bookings for "Yes My Darling Daughter" this weekend. National release is on Saturday.

House Changes Policy

HARTFORD, Feb. 22.—Lenox Theatre has changed its policy from two to three changes a week.

Merit Pictures Moves

Merit Pictures Corp., formerly Mutual Motion Picture Distributors, has taken larger quarters in the Film Center Building.

'Unmarried' Is New Title

HOLLYWOOD, Feb. 22.—"Unmarried" has been set as the title for the Paramount picture formerly known as "Night Spot Hostess."

The Newsreel Parade

Spanish loyalists fleeing into France, the opening of the San Francisco Exposition and an asylum fire in Quebec are news highlights included in the new issue of the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 47—War devastates Spain. Air raid defense in England. Ships collide off French coast. Fire in Quebec asylum. Frisco fair opens. Roosevelt in Florida. Aquacade for New York World's Fair. Girl parachutist in comeback. Open golf tournament in New Orleans. Golden Gloves in Washington. Boxing in Miami.

NEWS OF THE DAY, No. 245—Windstorm in California. Fire destroys Quebec asylum. Loyalist army flees to France. Coast Fair opens. Girl parachutist risks comeback. Mardi Gras in New Orleans. Figure skating. Dempsey - Willard, Miami.

PARAMOUNT NEWS, No. 58—San Francisco Fair opens. Fire in Quebec. Roosevelt leaves for vacation. Shotgun pellets found in pond. Benes arrives in Chicago. Girl makes parachute jump. Death of Pope Pius mourned in Rome. Tuneup races in Miami. Ice carnival. Dempsey and Willard meet in Miami.

RKO PATHE NEWS, No. 62—Hospital fire in Quebec. Golden Gate Exposition opens. Spanish loyalists in France. Secretary Wallace speaks in Iowa. Nazi meeting at Madison Square Garden. Boxing in Florida.

UNIVERSAL NEWSREEL, No. 747—Frisco Fair opens. Mardi Grass in New Orleans. Spanish refugees in France. Air raid shelters in England. Aviator breaks record. Benes at Chicago University. Fire in Quebec. Roosevelt in Key West. Horse racing in Florida. Roller skating derby in Paris.

Academy Will Make Its Awards Tonight

HOLLYWOOD, Feb. 22.—Trophies indicative of preeminence in the various phases of production technique will be presented tomorrow night at the annual Awards Banquet of the Academy of Motion Picture Arts and Sciences, to be held in the Biltmore Bowl.

Nominations, five in some cases and six in others, already have been made for those who will receive the Academy palm as the best actor, actress, support and best in other branches of the industry. Representatives of all activities connected with motion pictures take part in the selections. The committee in charge of the dinner includes Mervyn LeRoy, chairman; Basil Rathbone, Robert Riskin, Howard Estabrook, J. LeRoy Johnston and Douglas Geldhill.

Quarterly Meeting Of Equity March 24

Next quarterly meeting of Actors' Equity will be held March 24 at the Hotel Astor. The meeting will select a nominating committee which will name candidates for the 10 vacancies in the council and a third vice-president. Other officers' terms do not expire until next year. A meeting scheduled for tomorrow with the League of N. Y. Theatres to discuss the theatre broker code has been postponed one week because both organizations will be required to be in the N. Y. Supreme Court to defend an injunction suit brought by Acme Ticket Service.

20th-Fox Sales Meet Planned for April 3

Annual sales convention of 20th Century-Fox is scheduled to start Monday, April 3, for three days. Preparations for the meeting will start next week.

Herman Wobber, director of distribution, left Tuesday for Florida with Mrs. Wobber. He and S. R. Kent, president, will confer at the studio March 16 with Darryl F. Zanuck on the new season's production budget and other plans.

Following the Chicago convention, Kent, Wobber and Walter J. Hutchinson, foreign director, will go abroad for European meetings.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

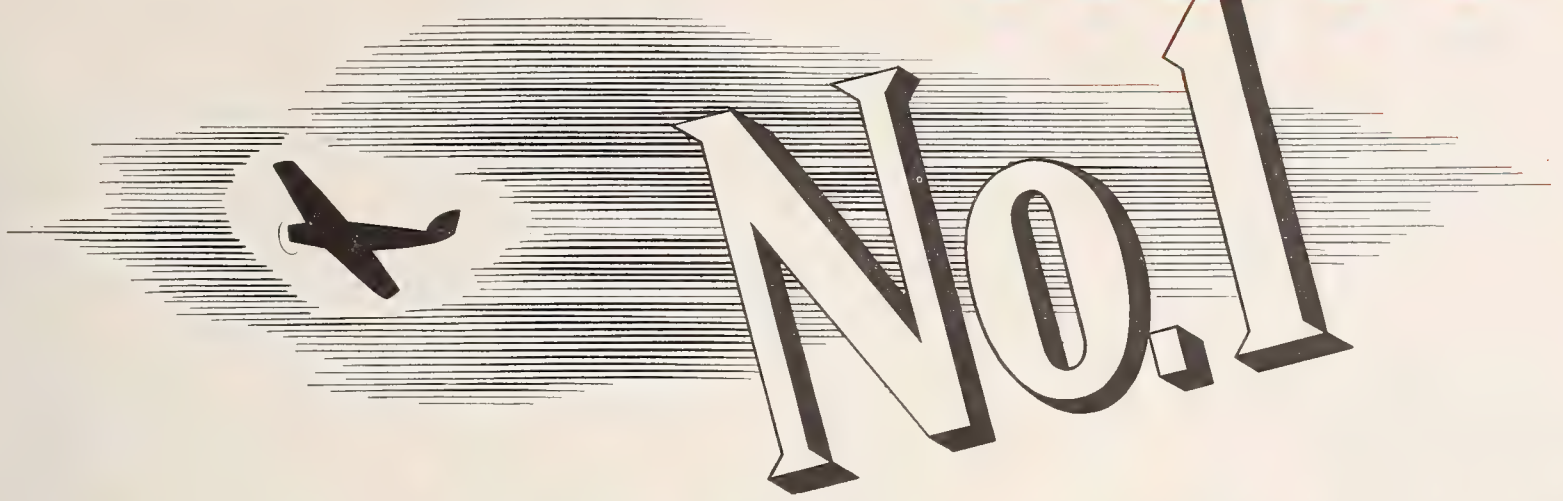
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BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

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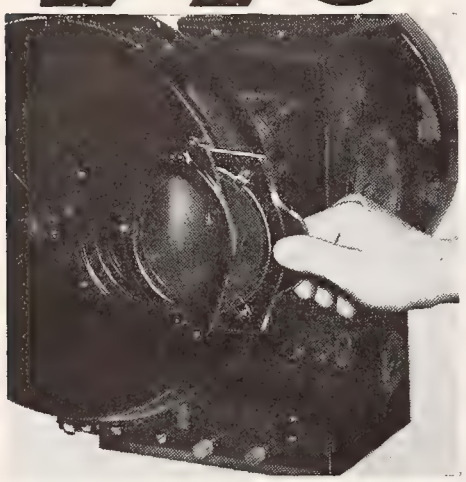
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Out Hollywood Way

HOLLYWOOD, Feb. 22.—CLAUDETTE COLBERT and JAMES STEWART will be starred in "It's A Wonderfud World" at M-G-M. W. S. VAN DYKE will direct. . . . EDITH FELLOWS has been borrowed from Columbia by Warners for the top role for "Gantry the Great," story about the famed blind horse. . . . SAMUEL GOLDWYN is planning a picture about the diaster to the British flying boat, *Cavalier*, and has signed GUY TROSPER and BEN GRAUMAN COHN to do the story. It will be titled "Thirteen Go Flying." . . . "The Hidden Staircase" will be the fourth picture in Warners' "Nancy Drew" series. . . . Paramount has purchased "City Mother," original by ROBERT BREN and GLADYS ATWATER. . . . HARRY BARRIS goes into "Some Like It Hot," Paramount. . . . STANLEY MORNER, protege of MARY GARDEN, has been given a Warner contract and his screen name changed to DENNIS MORGAN!

✚

RUTH HUSSEY and DENNIS O'KEEFE draw the top roles in M-G-M's "The Kid from Texas." . . . GERALDINE FITZGERALD will play the lead opposite ERROL FLYNN in Warners' remake of "The Sea Hawk." . . . GEORGE RAFT will replace JOHN GARFIELD in "Each Dawn I Die," at Warners. JAMES CAGNEY will be starred. . . . Another CAGNEY vehicle this spring will be the long delayed "John Paul Jones," based on the life of the American naval hero. . . . Universal will make seven pictures of the outdoor action type teaming ANDY DEVINE and DICK ARLEN. BEN PIVAR will produce. . . . RKO is seeking to sign JEAN HERSHOLT for a series of pictures based on the "Dr. Christian" radio program. . . . The studio this week acquired the film rights to 21 LESLIE CHARTERIS "Saint" stories. . . . HUMPHREY BOGART and JOHN LITEL will be featured in Warners' "Escape from Alcatraz."

✚

Casting—Paramount placements: UNA MERKEL to "Some Like It Hot"; STEFFI DUNA to "The Magnificent Fraud"; LOUISE CAMPBELL to "What a Life"; J. CARROL NAISH to "Island of Lost Men"; JUANITA QUIGLEY to "Are Husbands Necessary?" HEATHER THATCHER to "Beau Geste." . . . Warner assignments: JAMES STEPHENSON and GRACE STAFFORD to "Confessions of a Nazi Spy"; CLAUDE RAINS to "American Family"; GRANT MITCHELL to "Sons of Liberty"; MARIE WILSON to "Waterfront"; BONITA GRANVILLE and FRANKIE THOMAS to "Battle of City Hall"; ILA RHODES to "Hell's Kitchen"; VICTOR JORY to "Each Dawn I Die." . . . VIRGINIA WEIDLER draws a featured role in "What's a Fixer For?" at RKO.

✚

JAMES ELLISON and ANNE SHIRLEY will be teamed in RKO's "Sorority House." . . . At the same studio, LUCILLE BALL draws the feminine lead in "The Second Shot." . . . JOYCE BRYANT has been given the lead opposite JACK RANDALL in Monogram's "Trigger Smith." . . . M-G-M roles: REGINALD OWEN, BILLIE BURKE, WALTER CONNOLLY and SAMUEL S. HINDS to "Maiden Voyage," which features ROBERT YOUNG and ANNABELLA; JAMES BURKE and SIDNEY BLACKMER to "Within the Law"; JESSE RALPH and FLORENCE RICE to "The Kid from Texas"; LARAINE JOHNSON and LANA TURNER to the next "Dr. Kildare" feature; RAND BROOKS to "Babes in Arms."

✚

Directors—EDWARD H. GRIFFITH will guide Paramount's "Are Husbands Necessary?" . . . JOHN FARROW has been assigned to RKO's "Sorority House" and JACK HIVELY, "The Second Shot." . . . EDMUND GOULDING is set for "The Old Maid" and "All This and Heaven, Too," BETTE DAVIS vehicles at Warners. . . . ELLIOTT NUGENT works next on "The Cat and the Canary" at Paramount. . . . BUSBY BERKELEY is preparing for "Babes in Arms" at M-G-M.

✚

Title Changes—Paramount has set as the definite title of the GEORGE RAFT picture "The Lady's from Kentucky." It had been temporarily called "The Gambler and the Lady." . . . Republic has changed "Bloom on the Sage" to "Western Jamboree." . . . Fine Arts, releasing through Grand National, has changed the title of "Panama Cipher" to "Panama Patrol."

'Gunga Din' a $14,000 Smash in Providence

PROVIDENCE, Feb. 22.—"Gunga Din" and "Jesse James" got most of the business. The former, at the RKO-Albee, took $14,000. "Jesse James" carried the Majestic to a profitable $11,500.

Estimated takings for the week ending Feb. 15-16:

"Gunga Din" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $14,000. (Average, $6,000)
"Jesse James" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $11,500. (Average, $7,000)
"Topper Takes a Trip" (U.A.)
"Federal Manhunt" (Rep.)
LOEW'S STATE — (3,230) (25c-35c-50) 7 days. Gross: $10,000. (Average, $10,000)
"Zaza" (Para.)
"Ride a Crooked Mile" (Para.)
STRAND — (2,100) (25c-35c-50c) 7 days. Gross: $7,000. (Average, $7,000)
"The Arizona Wildcat" (20th-Fox)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. 7 days. Gross: $6,000. (Average, $6,500)
"Honolulu" (M-G-M)
"Adventure in Sahara" (Col.)
CARLTON—(1,526) (25c-35c-50c) 7 days. Gross: $3,000. (Average, $3,500)
"Thanks for Listening" (Ambassador)
PLAYHOUSE — (1,290) (25c-35c) 7 days. Vaudeville. Gross: $3,000. (Average, $3,000)

Tenn. House Passes Sunday Shows Bill

NASHVILLE, Feb. 22.—The bill to allow municipal governments to legalize Sunday shows has passed the Tennessee House. Rep. Haynes was voted down when he moved for an amendment to have Knox County excluded from the bill. House Leader Ragon led the opposition to the proposed amendment.

Frank Pearlman Dies

CHICAGO, Feb. 22.—Funeral services were held here for Frank P. Pearlman, who has been with National Theatre Supply here for some time. Pearlman died suddenly of a heart attack.

Variety Club

Cincinnati

CINCINNATI, Feb. 22.—New resident members: DEWEY H. LONG, WINFRED GUENTHER, DOUGLAS BROWNING and HERBERT L. FLAIG, all of WLW, and HARRY HATER, sports promoter.

Farewell party given for MAX STAHL, former U. A. branch manager, who will pilot the new Rita, at Sh[illegible]ville, Ind.

BERNARD BROGAN, new steward, replacing BERNARD TRUE, now stationed at local Paramount branch.

Milwaukee

MILWAUKEE, Feb. 22.—SAM SHURMAN, M-G-M exchange manager, has been elected barker of the Variety Club here, succeeding CHARLES TRAMPE. Other officers are OSCAR OLSON, assistant president; FRANK MANTZKE, treasurer, and BEN MILLER, secretary.

Directors named are H. J. FITZGERALD, JACK PAINTER, OLSON, MILLER, GEORGE LEVINE, RICHARD SCHEINBAUM, MANTZKE, JACK FRACKMAN, JACK LORENTZ, SHURMAN, FRANK FISHER, E. J. WEISFELDT and TRAMPE.

Omaha

OMAHA, Feb. 22.—Standing 1939 committees for Tent No. 16, the local Variety Club, have been named by HARRY J. SHUMOW, M-G-M, chief barker.

Chairmen are JOHN J. GILLIN, JR., WOW manager, membership; JOE JACOBS, General Outdoor Advertising Co., entertainment and publicity; SAM EPSTEIN, Epstein Theatres Corp., house; S. J. FRANCIS, American Distributing Co., finance, and EDDIE SHAFTON, Heart of Variety.

Canvassmen named are ROY PALMQUIST, EARL PERKINS, A. MENDENHALL, JOE JACOBS, MORRIE COHN, D. V. MCLUCAS, JOE ROSENBERG, W. J. FOLEY, and WALTER GREEN.

Washington

WASHINGTON, Feb. 22.—Chief Barker A. E. LICHTMAN has appointed the following committees:

Membership: CARTER T. BARRON, A. JULIAN BRYLAWSKI, SAMUEL N. WHEELER, HARRY N. LOHMEYER, CHARLES H. OLIVE and NATHAN GOLDEN.

House: EDWARD FONTAINE, FRANCIS KEMP MOHLER, HARRY BACHMAN, FRED ROHRS and HARRY BROWN.

Finance: SIDNEY B. LUST, EDWARD FONTAINE and HARDIE MEAKIN.

Executive: JOHN J. PAYETTE, SAM A. GALANTY, HARRY N. LOHMEYER, SAMUEL M. FLAX and ANGELO RATTO.

Sports and Promotion: SAM A. GALANTY, CARTER T. BARRON and HARRY BROWN.

Publicity: HARDIE MEAKIN, NELSON BELL, ANDREW R. KELLEY, TONY WAKEMAN, ART BROWN and BILL HOYLE.

Welfare: RUDOLPH BERGER, GEORGE A. CROUCH, SIDNEY B. LUST, FRED KOGOD and CHARLES C. SCHULMAN.

Quits Post at RCA

KANSAS CITY, Feb. 22.—Dale Neiswander, for the past year district manager here for RCA, has resigned to become general manager of the Interstate Supply Co., St. Louis.

Short Subjects

"The Lone Ranger Rides Again"

(*Republic*)

New series of adventures of "The Lone Ranger" has been fashioned by Republic to follow the original series, the new episodes bound together under the title of "The Lone Ranger Rides Again."

The story of any serial is not as important as the action, plus the dexterity in building up the suspense toward the end of each chapter. In these departments the new serial holds up well, a judgment based on viewing the first two instalments, "The Lone Ranger Returns" and "Masked Victory." Chief Thunder Cloud, as Tonto, is the only important holdover from the previous Lone Ranger serial. The new "Lone Ranger" is Bob Livingston, and supporting him are Duncan Renaldo, Ralph Dunn and J. Farrell MacDonald. Jinx Falden provides the romantic interest. Running time of each episode, 20 mins. "G."*

"Music Through the Years"

(*Paramount*)

Jan Garber and his orchestra dip into the past decade and come up with an annual favorite for each of the 10 years. Lee Bennett and Phyllis Kenny contribute several vocal choruses. Some of the old time favorites are "Louise," "Here Comes Cookie," "Melody from the Sky" and "Thanks for the Memory." A pleasant return to the days before swing. Running time, 11 mins. "G."*

"Soup to Mutts"

(*Universal*)

The canine world stages an amateur entertainment at which an applause machine determines the prize awarded to each performer, for the basis of this Walter Lantz cartoon. A cat, in disguise, enters the competition and wins the grand award of several gross of hot dogs, but loses his disguise while making a getaway. The resultant riot leaves the cat victorious, anyhow.

Reel is only mildly amusing. It is lacking in originality and humorous situations. Running time, 7 mins. "G."*

"Customers Wanted"

(*Fleischer-Paramount*)

Popeye and Bluto set up rival penny arcades and the only customer they can attract is Wimpy, who takes advantage of the competition by seeing both shows on credit. The rivals start to fight and Wimpy ends up by collecting admissions to the battle. Not up to par. Running time, 7 mins. "G."*

"March of Time"

(*RKO*)

Two highly interesting subjects, "Mexico's New Crisis" and "Young America," make up the current reel. Handling of the controversial aspects of the Mexican political scene is deft, and gives a fair presentation of both viewpoints. This portion combines elements of a travelogue with a political dissertation on Mexico's socialistic experiments.

The latter part of the reel is devoted to the Boy Scouts. Beginning with the youngsters at nine, the efforts of the Scout movement to develop charatcer and self-reliance are shown. How the Scouts operate and their assistance to the community in times of emergency are also portrayed. The reel urges support of the movement and shows how the Scouts are taking hold in England and France. The issue unquestionably will attract interest and has many exploitation angles. Running time, 19 mins. "G."*

Hollywood Preview

"Trapped in the Sky"

(*Columbia-Darmour*)

HOLLYWOOD, Feb. 22.—Topical and timely as today's headlines, "Trapped in the Sky" also is a different kind of spy hunt story. No love interest or comedy is included, but the melodramatic materials used have been given an up-to-date treatment. Jack Holt is starred and the supporting cast features C. Henry Gordon, Ralph Morgan, Katherine De Mille, Paul Everton, Sidney Blackmer, Regis Toomey and Holmes Herbert.

The plot departs from formula and so does its development and denouement. An electrically driven plane, powered by remote control, which the government has an option to purchase, crashes in an experimental flight. Army officer Holt is convinced that sabotage, inspired by alien intrigue, is responsible for the disaster. Arranging to be discharged in disgrace, he sets out to find the plotters. His first two leads, Miss DeMille and Lebedeff, are mysteriously slain, but their deaths lead him to a clue. Permitting himself to be trapped by Gordon and Blackmer, at whom all suspicion point, he learns that the plane's inventor, Herbert had sabotaged. While secret service agents take care of Gordon and Blackmer, Holt, after escaping them, lures Herbert into another plane and forces a confession from him. Naturally, the new plane, which has great military value, is preserved for the U. S.

Today's news events, the preparation the country is making for defense and the talk about secret plans, are exploitation material that can be used in connection with publicizing "Trapped in the Sky."

Running time, 60 minutes. "G."* G. McC.

*"G" denotes general classification.

"Paramount Pictorial P8-7"

(*Paramount*)

A Mexican rodeo, a display of plumed birds, and the manufacture of accordions are shown in this pictorial. Done in color, this subject will hold interest for accordion fans. Running time, 9 mins. "G."*

"Once Over Lightly"

(*M-G-M*)

A gay burlesque on the big college football games. All the elements are present—the hero is on the suspended list because the villain hid the exam papers, the crowd roars and the home team is losing. However, the schools involved are barber colleges and the big game is a shaving contest. Billy Gilbert is the coach. It will produce laughs. Running time, 19 mins. "G."*

"The Great Heart"

(*M-G-M*)

A moving portrayal of great sacrifice. Tom Neal takes the role of Father Damien, a Catholic missionary who undertook the treatment of lepers on Molokai Island. The lepers resented his presence until Father Damien himself contracted the disease. The treatment of this story is tactful and understanding, but the subject is gruesome. Running time, 11 mins. "G."*

"Land of Inca Memories"

(*Paramount*)

Ancient landmarks of the Peruvian and Bolivian highlands, native life, the flaura and fauna, are ably photographed in color. There are strange contrasts of modern life against a backdrop of the Inca terrain. Produced by Palmer Miller and Curtis F. Nagel. Running time, 10 mins. "G."*

"My Friend the Monkey"

(*Fleischer-Paramount*)

Latest of the Betty Boop cartoons, this has little to offer. An organ grinder's monkey starts playing with Betty's pup, Pudgy. The monkey succeeds in besting Pudgy and the latter finally gets rid of him. Betty then announces that she has purchased the monkey as a playmate for Pudgy. Running time, 7 mins. "G."*

"Pudgy in Thrills and Chills"

(*Paramount*)

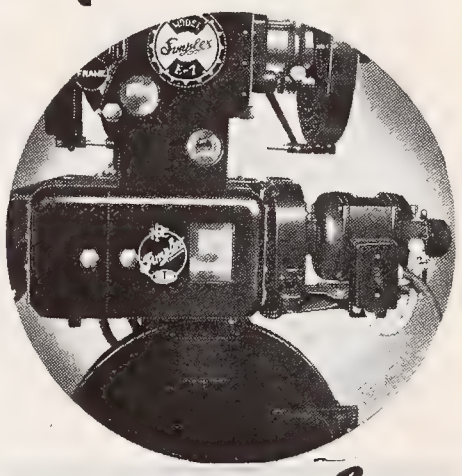
Betty Boop and her pup, in this Fleischer cartoon, go in for winter sports. A complication develops when a "screwball" character becomes romantic. But he saves Betty and Pudgy when the ice gives way. The artists make Betty do a Sonja Henie. Running time, 7 mins. "G."*

"Hold Your Breath"

(*Paramount*)

Grantland Rice Sportlights contribute another underwater novelty. This time it is a submarine track meet, complete with sprint races, relays, shot-put, parallel bars, high jump, tug-o-war, hurdle races and cheering sections. The shots, taken with an underwater camera, are spectacular and amusing. Worthwhile. Running time, 10 mins. "G."*

*"G" denotes general classification.

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Allied Considering National Policy on Divorcement Bills

Allied States is considering a national policy on state "divorcement" legislation in view of the repeal of the North Dakota statute.

The organization's policy was to await determination of the North Dakota law by the U. S. Supreme Court. Approval of the measure by the high court would have resulted in numerous similar bills, it is believed.

"Divorcement" legislation, however, has been introduced in the present legislatures of Missouri, Kansas and Nebraska. Allied has no units in these states.

It is reported that Allied of the Northwest plans to sponsor a "divorcement" bill in the Minnesota legislature before long.

New York and New Jersey Allied units are among organizations which deferred decision on "divorcement" sponsorship pending Supreme Court action. New York Allied is expected to make a decision after the return of its president, Max A. Cohen, from a Honolulu vacation next month.

National Biscuit to Build Fair Theatre

An air-conditioned 266-seat film theatre will be erected by the National Biscuit Co. for the forthcoming New York World's Fair. A Walt Disney short in color, "Mickey's Surprise Party," and "Round the Clock With the Cues," a short produced by Wilding Picture Productions, will be shown to the public gratis. Walter O'Keefe, on the screen, will introduce the program which will be run continuously. Running time of the bill will be 15 minutes.

Illinois Allied Sets Election on March 2

CHICAGO, Feb. 22.—Allied Theatres of Illinois will hold its annual election March 2. Jack Kirsch is president. The death of Aaron Saperstein, last July, resulted in Kirsch being named to fill the unexpired term.

Three new members have joined the group. They are the Gem, operated by Stanley Neske; the Park, owned by Charles Stern, and the Irving operating by Sam Halperin. This makes a total of 167 theatres in the Chicago area now in Allied.

Spanish Dancer Signed

MEXICO CITY, Feb. 22.—Asuncion Granados, Spanish dancer who has performed in New York, has been signed to play the lead in a Mexican film, "Mujeres y Toros" ("Women and Bulls") which is to be produced by Molina Font.

On RKO Pathe Feature

RKO Pathe has engaged Baron Carl von Ripper to work on its forthcoming feature length film, "Unknown Patriot." Von Ripper, who spent seven months in a German concentration camp, will work on the reenactment of Nazi activities for the film.

Myers Says Majors Slow Up Legislation

WASHINGTON, Feb. 23.—Abram F. Myers, Allied general counsel, charges that the distributors have used "maneuvers" deliberately to slow up litigation and legislation against the major companies.

Myers at the same time withheld comment on the signing of the North Dakota "divorcement" law repeal bill by Governor John Moses. He declared he could not say how the situation would affect Allied's legislative program or its trade practice negotiations.

In a bulletin sent to Allied members it was charged that Allied has been hampered in its legislative efforts by major distributors and the Hays organization. Further, the statement says, the repeal of North Dakota's theatre divorcement law was accomplished by the aid of a powerful lobby.

Warners Will Add Prints in New York

Warners have agreed to put 10 additional prints in circulation in the New York area on big pictures. The decision follows a conference between Ed Schnitzer, eastern district manager, and A. W. Schwalberg, in charge of exchange operations, with Leon Rosenblatt and Julius Charnow representing the I.T.O.A.

Independent subsequents had complained that the lack of prints on big attractions was delaying bookings. The matter was discussed at an I.T.O.A. meeting recently.

Gene Murphy to Take New Loew's Position

Gene Murphy, who has been handling Loew's newspaper publicity in New York, has been promoted to the out-of-town division in a newly created position. He will handle work previously in charge of Art Schmidt, who on March 1 will leave for contacts with Loew managers and newspapers in the field.

Phil Laufer, in charge of publicity for Loew's Criterion, succeeds Murphy as general newspaper contact and takes over publicity for the State.

Joe Brandt Dies; Was Col. V. P.

(*Continued from page* 1)

his own company, the C. B. C. Sales Co., which became Columbia, in partnership with Harry and Jack Cohn. Brandt was vice-president of Columbia. Harry Cohn purchased his interests in 1932.

Offices Brandt had held included the presidency of World Wide Pictures and vice-presidency of Educational. He headed Nuovo Mundo, U. S. distributor of Italian motion pictures. Soon after retirement from this post in 1935 he went to the coast and was inactive in business since that time.

Lab Talks Continue

Another meeting between M. P. Laboratory Technicians' Union, Local 702, and De Luxe Laboratories and Consolidated Film Industries was held Tuesday to discuss terms of a proposed contract. Further conferences will be held next week.

'Q Planes' Called B. O. Contribution

London, Feb. 22.—Columbia's "Q Planes" which was produced by Irving Asher, was shown here last night and is an appreciable contribution to the British box-office. It is a breezy treatment of a dramatic action story which deals with secret planes stolen by enemy agents. Ralph Richardson gives a jaunty, amusing characterization of a secret service agent.

The film is a double quota picture, as the production cost was $225,000.

Flanagan

Universal Gross Up $2,000,000 in Year

(*Continued from page* 1)

after the new management was designated. His letter states that the final quarter of the fiscal year resulted in a profit of $161,929. In addition, it is learned that the first quarter of the current fiscal year ended Jan. 30 also resulted in a profit. Thus Universal's operations have been in the black for the past six consecutive months.

Extend British Deal

Cowdin also reports that Universal's agreement with General Film Distributors was modified as of Jan. 1, last, to reduce the cost to Universal of distribution of its product in Britain by General Film. In addition, the agreement was extended for an undisclosed period. Cowdin also reported that Universal's revenue from Canada had "substantially increased" under its distribution arrangement there with Empire Films, Ltd., and that continued improvement is expected.

The report shows total current and working assets, exclusive of foreign subsidiaries, of $9,866,282, of which $1,003,566 is cash. Total current liabilities are listed at $5,284,530, including notes payable to banks amounting to $1,450,000, secured by negatives and other collateral; $624,960 of demand notes; $1,000,000 in funded debt just extended for one year to Feb. 18, 1940; unsecured notes payable, amounting to $365,381, and accounts payable and sundry accruals of $1,807,742.

Two Companies Formed

ALBANY, Feb. 22.—Incorporated here have been Famport Productions, Inc., New York, by Geraldine Weiss, Bessie L. Maarsen and Rose Lader, and Transtudio Recording Corp., Buffalo, by Marjorie M. Baird, James W. Gillis, Jr., and Harrison D. Bogardus.

Ampa Meeting Put Off

Ampa's regular luncheon meeting scheduled for today has been called off because of the mid-week holiday. A meeting will be held next Thursday, instead, at the Astor.

NBC Series Off Soon

"Terry and the Pirates," sponsored over NBC by Bowey's, Inc., leaves the air as of March 22.

Hub Ad Club Marks Motion Picture Day

BOSTON, Feb. 22.—Film and theatre men turned out in force Tuesday for a "Motion Picture Day" luncheon of the Boston Advertising Club at the Statler. Leon J. Bamberger, RKO sales promotion manager, was the principal speaker. Harry Browning, advertising and publicity director for Mullin & Pinansky Theatres, arranged the event.

Seated at the main table were Maurice Wolfe, M-G-M branch manager; Ross Cropper, RKO manager; Frank Howard, who exhibited the first film in Boston in 1897; Charles W. Koerner, New England division manager for RKO theatres; Oliver M. Drummond, president of the club; Joseph H. Brennan, secretary of Allied T.O.A. of Massachusetts; William Erbb, Paramount manager; Edward Canter, treasurer of M. & P. Theatres; George Jones, manager of Loew's Orpheum, and Browning, Bamberger and Mrs. Bamberger.

Others included Joe Dipesa, Loew publicity director; Fred Greenway, manager, Loew's State; Jack Saef, Paramount and Fenway publicity director; Marty Glazer, assistant publicity director, Metropolitan Theatre; Jack Granara, Keith publicity director; Joe Ehrlich, Keith assistant publicity director, and Joe Carroll, United Artists office manager.

Bamberger discussed the value of direct mail advertising to salesmen, exhibitors and the public. During the past year, 50 individual mailings were sent to exhibitors, some of them in a number of languages. Largest list ever used included 185,000 names. One list contains the names of 8,500 influential key people who have promised to publicize a film if they like it. One group of 16 organizations which is reached through the mails has a total membership of 36,211,395.

Para. Acts to Kill Dakota Litigation

(*Continued from page* 1)

precedent in the trial of its anti-trust suit here. The Department recently emphasized that theatre divorcement is the keystone of its pending action.

Industry attorneys see the repeal of the North Dakota law as advantageous in that it makes possible a test of such legislation where theatre ownership by producers and distributors is on a different basis than it is in North Dakota. They point out that another state may afford an example of partial or less than controlling interest in theatres by producers-distributors, which would offer different legal considerations than those of North Dakota, where Paramount's theatre ownership is 100 per cent.

U. S. Continues Inquiry

BISMARCK, N. D., Feb. 22.—Reverberations continued from the theatre divorcement repeal measure as P. W. Lanier, United States District Attorney at Fargo, issued a statement that Department of Justice Agents are continuing an investigation here of the repeal bill circumstances.

Out Tomorrow

MOTION PICTURE HERALD

COVERAGE

Productions in Work

The Hollywood Scene

In British Studios

The Cutting Room

Release Chart

Showmen's Reviews

Managers' Round Table

What the Picture Did for Me

AND THE NEWS, NATIONAL AND INTERNATIONAL

Operators in Mexico Ask for Ratification Of World Air Pacts

MEXICO CITY, Feb. 22.—Ratification of international radio agreements as a patriotic action and a means of smoothing out misunderstandings between Mexico and some other countries, is urged upon the Senate in a memorial from the Association of Mexican Radio Station Operators. Lack of an agreement on radio broadcasting has caused many conflicts between American countries, particularly about the limitation of the channels in which the stations can operate, the petitioners assert. This causes overlapping of broadcasts and much interference, it is said.

Several arrangements exist for radio operation of mutual benefit, the association points out. Enforcement of these pacts depends on Mexico's ratification of the agreements. Mexico's 96 active stations (there are five inactive) have been assigned the use of 150 channels by the international pacts, but conditions now obtaining only permit Mexican stations to use 106 channels, it is contended.

It is urgent that Mexico ratify international radio agreements, as apart from assuring elimination of conflicts with other countries it will develop air functioning in Mexico and afford greater employment, the association argues.

Rebuttal Heard in Wilmington Action

WILMINGTON, Feb. 22. — British Acoustics Films, subsidiary of Gaumont British, has built approximately 10,000 projection machines embodying the Pulsen-Peterson patent for improved feed film mechanism, Arnold Pulsen of Copenhagen, joint inventor of film feed patents, testified in rebuttal in the patent action against Erpi and RCA yesterday.

About three-quarters of the licensees of acoustic machines were built under the first Poulsen-Peterson patent and 25 per cent under the second, he said. Of the licensees under the first patent all employed spring press jockey roller between translation point and main drive sprocket except one Swiss firm. Poulsen testified.

Paul J. Larson, in rebuttal, examined photographs of defendants' equipment and testified the equipment did not bring about a constant speed past the translation point, one of the vital points involved in the litigation.

Levy Files Appeal In Paramount Suit

Robert S. Levy, Paramount-Publix bondholder, has filed an appeal in the Appellate Division of the N. Y. Supreme Court from a dismissal of his complaint against Chase National Bank, debenture trustee, and Columbia Broadcasting Co. and William S. Paley. Levy, who claims that sale of CBS stock by Paramount-Publix was improper, brought suit five years ago to set aside the sale. His suit was dismissed when the lower court decided that his complaint failed to state a cause of action. Samuel Zirn represented the plaintiff in the argument of the appeal.

Radio Personals

RUDY VALLEE, Sophie Tucker, James Barton, Lanny Ross and the Merry Macs are the latest additions to the roster of stars who will participate in Monday's midnight benefit performance to be given at the Casa Manana for the aid of the Refugee Children's Non-Sectarian Committee. . . . Margaret Sangster, network author, has sold six stories on radio to Good Housekeeping, all for publication this spring and summer. . . . Ruth Yorke is back on the air after an illness of two weeks. . . . Gertrude starts the first of a series of bookings on the "Good News" show next week.

March 6 Hearing Set On RKO Allowances

Application of Irving Trust Co., as trustee of RKO, and William J. Donovan, as attorney for Irving Trust, for interim allowances of $85,000 and $95,000, respectively, has been set down for hearing on March 6 by Federal Judge William Bondy.

Allowances will cover the period of one year from Sept. 30, 1937, Irving Trust previously having received $155,000 and Col. Donovan $245,000.

Directs 4 to Appear In Newburgh Action

Federal Judge Edward Conger has directed Isaac Miller, Philip Sherry, Mrs. F. Sussman, Conrad Fontaine, officers of Orange County Theatres, Inc., and Miller & Sherry Enterprises, Inc., to appear for examination before trial on application of 20th Century-Fox, Paramount, Joseph Lee, George Walsh, Eugene Levy and Netco Theatres Corp.

Applicants, with RKO and United Artists, are defendants in a $225,000 Sherman anti-trust suit brought by Orange County Theatres, which charges restraint of trade in distribution of films in Newburgh, N. Y.

Universal Is Sued

Wilhelm Karol has filed a damage suit in N. Y. Supreme Court against Universal for $60,000, allegedly due for services rendered in procuring two contracts. Karol bases his action on contracts allegedly made between Universal and Giuseppe Domenico of Rome, which gave Domenico exclusive rights to distribute Universal pictures in Italy. Universal obtained an extension to answer to March 13.

Kane Suit Revealed

Suit against Robert T. Kane and New World Pictures, Ltd., by Samson Raphaelson was revealed in N. Y. Supreme Court when Justice Bernard L. Shientag vacated service of papers on the ground that no jurisdiction of the defendant could be obtained in the United States.

'Zero' on Lux Program

Three Cagneys and Stuart Erwin will reenact "Ceiling Zero" on the Lux "Radio Theatre" over CBS Feb. 27. The Cagneys are Jimmy, his sister Jean, and Mrs. Bill Cagney, the former Boots Mallory.

Crosley Asks Stay On F.C.C. Decision

WASHINGTON, Feb. 22.—Its appeal for reconsideration rejected, the Crosley Corp. yesterday appealed to the District of Columbia Court of Appeals from the F.C.C. decision revoking the super power permit of station WLW, asking a stay of the order to allow continued use of the 500-kilowatt power until the case is finally decided.

The appeal was prompted by a sense of "duty to ourselves and to the listening public" Powell Crosley, Jr., president of the company, said, and the use of super-power by WLW has caused no harm but has clearly demonstrated that high power is of benefit to listeners.

Talent Volunteers On Sunday Program

Stage and screen stars will donate their talents in a special broadcast Sunday over CBS in observance of the eleventh annual meeting of the National Conference of Jews and Christians' Brotherhood Day. Edwin C. Hill will be the M.C. and Fredric March and Florence Eldridge will give excerpts from their current play "The American Way." American Federation of Musicians is contributing a 50-piece orchestra, to be conducted by Mark Warnow.

Alexander Returns With Hour Program

A. L. Alexander, originator of the banned "Good Will Court," will return to the air tomorrow via WHN in a new one-hour program called "Arbitration Board." Program will be broadcast at 9 P. M. It will be patterned along the lines of "Good Will Court."

Ripley Confers on Show

Bob Ripley and executives of Batten, Barton, Durstine & Osborn are in Columbus, Ga., conferring with officials of the Nehi Corp., on a format for the radio program starring Ripley, which Nehi will place on the air over CBS early this spring. B. B. D. & O. officials at the conference are Roy Durstine, president of the agency; Sam Harned, account executive, and Ned Midgely of the radio department.

McGuire Joins World

Mason McGuire, formerly with N. W. Ayer & Son, has joined the New York sales staff of World Broadcasting System. McGuire formerly was director of radio of the agency's Chicago office, and later radio executive in charge of the Kellogg account.

Book Club Has Series

Book-of-the-Month Club is returning as sponsor of a series of concerts from Carnegie Chamber Music Hall, broadcast over WQXR. The contract was placed with WQXR through Schwab & Beatty Inc.

NSS Handling Trailer

Trailer in color on "The Little Princess," 20th Century-Fox Shirley Temple picture, was produced by and is being released nationally by National Screen Service, which handles 20th Century-Fox trailers. It runs 229 feet.

Banner LINES

WMCA is preparing for an unusually large demonstration this Sunday as a result of Fritz Kuhn's appeal to picket the WMCA premises this weekend. CBS and Mutual, previous targets for similar demonstrations, also may be picketed again this weekend. NBC thus far hasn't been plagued by demonstrators, but Radio City may be tagged this Sunday.

▼

Friends of George Burns and Gracie Allen, and officials at the Young & Rubicam advertising agency are breathing easier since issuance of the last two Crossley reports, which show the Burns & Allen program improving its rating. It was feared their program would lose popularity because of the difficulty encountered recently by the couple. George and Gracie have been penalized in one respect, however. They had a booking for a shot on the Lux "Radio Theatre," but Lux has cancelled the booking.

▼

Associated Press copy, because it isn't being edited for air purposes, is proving somewhat cumbersome to handle in the radio news rooms. Nary a rumble from the networks, however, they're that happy to house the AP tickers.

▼

It has commenced. The other day this column carried a note from NBC's Clay Morgan to CBS's Lou Ruppel in which Morgan chided Ruppel for taking credit for CBS in broadcasting the first program ever to be heard from Albania. Morgan averred that his web aired a show from that country back in March, 1937.

By winged messenger to this pillar on Tuesday came a stoutly worded message from Ruppel. The column pauses to don front-line trench regalia ere jotting down the Ruppel text. Here 'tis:

"What, another crisis? I should think that Clay Morgan learned from the last one. He should have read my copy more carefully. You had it right this morning, Jack. We said: 'First to be heard.' Clay said NBC aired an Albanian program first. *Airing* and being *heard* are two different things. Otherwise how do we account for the reviews giving year-end laurels to Kaltenborn, Shirer and Murrow?"

There was more from Ruppel, in a similar vein, but enough has been reproduced to get on record the gist of Ruppel's rebuttal.

Morgan coming up.

—JACK BANNER

Plan New York Airing

Entire cast of the Chase and Sanborn hour, comprising Don Ameche, Dorothy Lamour, Edgar Bergen and Charlie McCarthy, Donald Dickson and Robert Armbruster, will come to New York from Hollywood in March with two broadcasts scheduled to come from here, March 12 and 19.

Cupp Opens Offices

Garrett Cupp, for many years a theatrical and film advertising and publicity executive, has established Garrett Cupp Associates. Lawrence Bradbury, Allan Ramsay and Douglas Cupp are associated with him.

FILE COPY
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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 37 NEW YORK, FRIDAY, FEBRUARY 24, 1939 TEN CENTS

Most Houses Here to Have Quiz Winners

Over 10% of 5,400 Prizes To Be Allotted in N. Y.

Almost every house which participated in the Movie Quiz contest in the Metropolitan area is expected to have a winner when the results are announced Monday night. Slightly more than 10 per cent of the 5,400 prizes will be distributed here. With approximately 450 theatres in this city participating, the overall average is slightly more than one to a house. A total of approximately 7,000 theatres joined in the contest. The rest of the country will share the remainder of the prizes on almost a geographical basis. Greater interest and a larger number of entries from New York and California apparently account for the greater number of winners from those localities.

Plan Special Ceremonies

Broadway and neighborhood houses here are planning special ceremonies for the opening of the envelopes containing the names of winners. Increased attendance is generally expected at the late shows. Most houses have been featuring a special trailer and large lobby displays to call attention to the announcement night. Loew's, RKO and Century Circuit have called attention to the night in their weekly news bulletins. Managers have been instructed to obtain local figures to open the official envelopes. Loew's plans to station bands in front of several houses to attract attention.

First run houses have included the date in newspaper ads. Danton Walker, *Daily News* columnist, will make the announcement from the stage of the Capitol, Ted Friend, of the *Mirror*, will appear at the State, and Dave Vine, old time vaudevillian, will do the honors at the Palace.

London Flocks to See First Televised Bout

London, Feb. 23.—About 2,200 packed the Marble Arch Pavilion, Tatler and Monseigneur Theatres tonight for the televised large screen broadcast of the Boon-Danahar fight. Queues lined up long before the hour and crowds rushed the police cordons. General opinion was that the broadcast was effective.

'Can't Take It With You,' Tracy, Davis Win Awards

Los Angeles, Feb. 23.—Academy of Motion Picture Arts and Sciences made its 11th annual Awards for outstanding cinema achievement before an audience of 1,250 at the Biltmore Bowl tonight. Spencer Tracy and Bette Davis, both previous winners, were honored for the best performances. Columbia's "You Can't Take It With You" was designated the outstanding motion picture of the year.

Tracy was cited for his work in M-G-M's "Boys Town." Last year he was similarly honored for his acting in "Captains Courageous." Miss Davis, who won in 1936 for her role in "Dangerous," was voted the award this year for her role in Warners' "Jezebel."

The Irving G. Thalberg Memorial Award, presented for the first time last year, went to Hal B. Wallis, associate executive in charge of production at Warners, for consistent high quality of production. Frank Capra received the award for the best achievement in directing for "You Can't Take It With You."

George Bernard Shaw won the palm for the screen play and dialogue of M-G-M's "Pygmalion" and with him were W. P. Lipscomb, Cecil Lewis and Ian Dalrymple for the adaptation.

Dore Schary and Eleanore Griffin,

(*Continued on page 4*)

Atlas Corporation Investment in RKO Increased $700,000

Atlas Corporation's investment in RKO increased by approximately $700,000 to a total of $3,884,014 since April 30, last, the investment company's annual report, issued yesterday, revealed. At the same time the investment corporation reduced its holdings in Paramount securitities slightly, although market value of the fewer Paramount holdings as of Dec. 31, last, was greater than that of the Paramount securities held on April 30.

No other film securities are listed in the Atlas portfolio as of Dec. 31.

The Atlas holdings of RKO securi-

(*Continued on page 4*)

Fine Arts Asks GN For Financial Data

Los Angeles, Feb. 23.—Franklyn Warner, head of Fine Arts Pictures, producing for Grand National, has told E. W. Hammons, G. N. president, that Fine Arts would produce no more pictures for the distributor until satisfied as to the physical and financial capabilities of G. N.

The producer has six scripts prepared and no starting dates set. Fine Arts have 26 scheduled to produce for G. N.

All possibilities of Fine Arts backers going to the financial aid of G. N., have disappeared. Warner declared, according to reports, that when G. N. shows bona fide guaranty of physical and financial steadiness to distribute pictures properly Fine Arts would continue to make pictures.

Scale Revision Seen By Chicago Circuits As Price War Looms

Chicago, Feb. 23. — Admission prices in Loop theatres may be revised shortly as the result of a series of individual meetings being held by local circuits to consider price changes in an effort to improve Loop prices.

Indications are that early bird prices may be extended to 3 P. M. which was the deadline in depression days. Current policy of changing prices almost every day in accordance with business is being investigated.

Currently Loop business is at a low ebb because of flu, cold weather and Lent. This has resulted in B. & K., RKO and Jones, Lineck & Schaeffer and Essaness increasing their competitive efforts for business.

First gun in the possible price war was fired when Woods Theatre of Essaness inaugurated triples, first in the Loop.

Discuss Retirement Of Paramount Bonds

Proposals for the retirement of the final $4,500,000 of Paramount's six per cent debentures due in 1955 were discussed yesterday without final action being taken at a meeting of the company's executive committee, of which Stanton Griffis is chairman. The meeting took the place of the February board meeting scheduled for yesterday, which was not held because of the lack of a quorum.

Barney Balaban, Paramount president, returns to New York Sunday from a Florida vacation. Griffis plans to leave for Florida next Wednesday.

Data of Myers Incorporated In Trade Pact

Final Draft Discussed at Seven-Hour Session

Many of the recommendations made by Abram F. Myers, Allied general counsel, have been incorporated in the final draft of the proposed trade practice program by distributors' counsel.

The attorneys for the companies have gone as far as they can in drafting proposals. The draft was thoroughly discussed at a seven-hour meeting of company sales heads, executives and attorneys yesterday at the Astor. S. R. Kent, president of 20th Century-Fox, and William F. Rodgers, M-G-M general sales manager, who are chairmen of the distributors' committee, attended the meeting.

Myers' suggestions have been viewed by attorneys as being substantially a restatement of what had already been drawn up. The new phraseology of many of the clauses, however, is expected to meet Allied's approval. Myers is due here for a conference on the program next week. Col. H. A. Cole, president of Allied, also may be in New York late next week.

Nick Hearing Delayed

St. Louis, Feb. 23.—Hearing on charges against John P. (Big) Nick was today postponed until Saturday to permit his attorneys to file a motion for a writ of prohibition in the State Supreme Court.

RKO Board Now 13

RKO's new board of directors will consist of 13 instead of the 11 members originally planned. Decision to increase the board was agreed upon yesterday following conferences of reorganization principals on demands of independent stockholders and Time, Inc., an unsecured creditor with a claim of about $1,250,000, for representation on the board.

As a result of the decision, names of the new board members are expected to be agreed upon over the week-end in time for presentation to Federal Judge William Bondy at the hearing scheduled for Monday.

Interstate Decision May Hit Clearance

WASHINGTON, Feb. 23.—Study of the possible application of the Supreme Court's reasoning in the Interstate circuit case to restrictions on exhibitors generally is urged by Abram F. Myers, Allied general counsel, in an organization bulletin. He indicates that clearance may be affected.

"Regional associations should review carefully all complaints made by members during the last several years relative to restrictions of all kinds written into their contracts or imposed upon them by distributors at the behest of the chains or other prior run exhibitors," Myers says.

"The commonest restriction imposed on independent exhibitors is that of clearance or protection."

Myers believes the Interstate decision recognizes the principle of clearance in agreements between an individual distributor and exhibitor as to the time of his run, while barring concerted action.

He continues: "The decision also seems to preclude agreements or conspiracies between individual distributors and individual prior run exhibitors to impose protection on subsequent run exhibitors. The majority opinion does not say so in so many words, but it would be hard to distinguish such a restriction in principle from the restrictions involved in the Interstate case."

Regents See Revised Version of 'Darling'

Warners yesterday presented a revised version of "Yes, My Darling Daughter" to a committee of the N. Y. Board of Regents in an appeal from the ban of Irwin Esmond, chief censor. The committee will make its recommendations to the full board at a meeting in Albany today, when a decision is expected.

Regents refused to comment on the revised film. Albert S. Howson and Stanleigh Friedman represented Warner's arguments and Charles A. Brind, Jr. represented Esmond. Today's meeting also will decide the appeal on the ban of "The Puritan."

Meantime, "Yes, My Darling Daughter" has opened in several spots with grosses exceeding "Four Daughters" and "Brother Rat." On Wednesday, the Strand, Hartford, drew an estimated $2,165, the Roger Sherman, New Haven, an estimated $2,131, the Warner, Bridgeport, an estimated $1,792 and the Warner, Memphis, an estimated $1,554.

Helprin Sailing Soon

Morris Helprin, press representative here for Alexander Korda, will establish his headquarters on the coast after returning from London in about six weeks. He sails for England March 3 on the *Normandie* to arrange for the London preview of "Four Feathers," a print of which he will bring back with him. Korda is not expected to come here to establish his new production headquarters in Hollywood until about June 1.

J. E. Schoonover Dies

OMAHA, Feb. 23.—J. E. Schoonover, Aurora, Neb., exhibitor, died after a long illness. He operated the Mazda there before turning it over to his son, Harold Schoonover.

Purely Personal

JOE BREEN, Production Code Administrator, plans to leave New York today for Hollywood. He stopped off here for conferences with Will H. Hays following a vacation in the West Indies.

•

LOU POLLOCK, Universal eastern advertising and publicity manager, was confined to his home with a cold after returning from the coast by plane yesterday.

•

ARTHUR LEE of G. B. returned to New York yesterday from Florida.

•

DAVID MANNES' autobiography, "Music Is My Faith," has been purchased by M-G-M for a film. MANNES is a music critic.

•

JOHN STONE, associate producer for 20th Century-Fox, has arrived in New York for a brief vacation.

•

AMANDA LEDESMA and ALBERTO VILA, Argentine players, are due soon en route to Hollywood to appear in RAMOS COBIAN Spanish language films for 20th Century-Fox release.

•

EDDIE DOWLING spoke on "The Theatre of the Future" at the Advertising Club luncheon yesterday.

•

CHARLES E. MCCARTHY, 20th Century-Fox advertising and publicity director, and RODNEY BUSH, exploitation manager, are due Monday from the coast after a week of studio conferences.

•

RUTH GREENFIELD, secretary to ABE SCHNEIDER, Columbia treasurer, and associated with the company for 13 years, was given a farewell party at the Diamond Horseshoe by about 90 Columbia officials and employes last night. She resigned to devote herself to her home.

NATE J. BLUMBERG, Universal president, is scheduled to leave the coast by train today, arriving in New York Monday morning. He has been at the studio for more than a month.

•

F. ALVAREZ COTO, vice-president and general manager of Peliculas Cubanas, arrived yesterday from Havana with prints of his last two features.

•

WAYNE MORRIS, Warner star, and his bride, the former LEONORA SCHINASI, left yesterday by automobile to return to the coast. The trip is expected to take two weeks.

•

ROBERT SHAPIRO of the Paramount Theatre staff, is the father of a 7½-pound boy, a second son, born yesterday to MRS. SHAPIRO at the Swedish Hospital.

•

SLAVKO VORKAPICH leaves for the coast today to do montage for an RKO Pathe film. In June he will leave for London to work on a GABRIEL PASCAL film.

•

RICHARD COLLET, manager of the D'Oyly Carte Opera Co., sails on the *Queen Mary* tomorrow.

•

JOHN F. KENNEDY, son of AMBASSADOR JOSEPH P. KENNEDY, sails tomorrow on the *Queen Mary* to join his family.

•

JACK CUMMINGS, M-G-M producer, left yesterday for the coast after a vacation here.

•

H. M. RICHEY, director of theatre relations for RKO, leaves Monday for a short stay in Philadelphia.

•

A. C. BERMAN leaves for the coast in two weeks.

Fay Plans Vaudeville

Frank Fay will introduce a vaudeville revival show, March 2, at the Forty-Fourth St. Theatre. Performers slated include Smith and Dale, Eva Le Gallienne, Chester Hale girls, Elsie Janis and others. Fay will act as master of ceremonies.

Norma Shearer Ill

HOLLYWOOD, Feb. 23.—Norma Shearer was compelled to cancel plans to attend the Academy Award dinner because of a streptococcic infection of her throat. Her condition is not serious but she entered a hospital for treatment.

The Newsreel Parade

First pictures of Rome paying tribute to Pope Pius are shown in the new issues of the newsreels. The sportsmen's show in New York is the chief sports subject included. The reels and their contents follow:

MOVIETONE NEWS, No. 48—Rome pays tribute to Pope. English royalty attends ceremony in Scotland. Sweden's king plays tennis. King Christian of Denmark sails yacht. Robot talking machine. Mayor Kelly inspects Chicago subway. New night club on Broadway. Premiere of "Little Princess." Lew Lehr. Sportsmen's show in New York. Polo star dies in spill. Surfboat riding in Australia.

NEWS OF THE DAY, No. 246—Cavalry maneuvers in Texas. Major-General Arnold speaks. Carnival in France. Algerian lottery. Rome pays homage to Pope Pius. Robot speaks at San Francisco fair. Sportsmen's show. Children learn to skate.

PARAMOUNT NEWS, No. 59—Lottery festival in Algeria. Susan B. Anthony anniversary ceremony. Machine speaks at Golden Gate Exposition. Final rites for Pope. Feathers grow on rabbit. Paderewski arrives in New York. Non-sinkable swim suits. Bathing suit fashions. Skeet shooting match. Umpires prepare for coming season.

RKO PATHE NEWS, No. 63—Rome mourns Pope. Speed construction of Chicago subway. British royalty reviews troops. Mechanical voice box duplicates human speech. Paderewski arrives in New York. Benes welcomed to Chicago. Lottery pageant in Algiers. Life-boat crews race in Australia.

UNIVERSAL NEWSREEL, No. 748—Pius dies in Rome. Plane factory in California. Planes for France in New York. National Defense week in New York. Chinese New Year's. Kings of Sweden and Denmark in France. Maneuvers in Texas. Carnival in France. Robot telephone in Coast Fair. Motorcycle stunters in Miami. Sportsmen's show in New York. Bathtub singing.

Grosses on Holiday Show 10-20% Rise

Washington's Birthday provided one of the best holiday grosses in several years, a boxoffice checkup revealed yesterday. Managers along Broadway estimated gains over previous years at from 10 to 20 per cent. Start of the Lenten season failed to affect the drawing power of current attractions.

"Cafe Society" grossed an estimated $13,000 on opening day at the Paramount. The film is also doing an excellent business at the Sheridan, Miami and the United States, Paterson. "Made for Each Other" finished its first week at the Music Hall with an estimated $105,500 and is held over. At the Strand, "Off the Record" drew an estimated $42,000 and is also held. "The Three Musketeers" attracted an estimated $43,500 to the Roxy. "Wife, Husband and Friend" starts today. "I am a Criminal" goes into the Central Saturday. "Persons in Hiding" is due at the Criterion Wednesday.

Sam Hacker Resigns From Republic Post

Sam Hacker, assistant to Morris Goodman in the foreign department of Republic, has resigned. He joined the company four years ago, first as manager of the contract department. He previously was in charge of Columbia's contract department for five years.

Another resignation is that of Jose Losada, in charge of foreign publicity. Foreign language translations will be handled at the Consolidated Film laboratory at Ft. Lee hereafter.

N. J. Allied to Meet

Exchangemen and others will attend a steak dinner to be held by New Jersey Allied next Thursday, at 7 P. M. at the Tavern, Elizabeth and Meeker Aves., Newark. The dinner will wind up a meeting of the organization which will start with a luncheon at 1 P. M.

Yiddish Film to Open

"Mothers of Today," Yiddish dialogue picture with English subtitles, featuring Esther Field, will be given its world premiere at the Clinton, downtown, Monday night.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"THE LITTLE PRINCESS" TOPS EVERY 20TH HIT AT KEITH'S MEMORIAL IN WORLD PREMIERE OPENING, BOSTON!

- ***Snow-and-sleet storm fails to halt crowds as all rival theatres suffer!***
- ***Record night-crowd proves its sensational adult appeal!*** (Boston Globe says: "Adult audiences screamed with excitement!")
- ***House completely sold out within half hour of door's opening (9 a.m.) on second day of run!***

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Atlas Adds $700,000 To RKO Investment

ties include $2,169,850 principal amount of six per cent debentures with a Dec. 31 market valuation of $1,594,840; $135,776 of six per cent debentures, market value $99,795; 310,412 shares of common, market value $737,229, and 17,400 shares of common, market value $41,325. Increase in debentures since April 30 was $113,000 principal amount and $85,000 market value. Holdings of common remained the same but depreciated about $92,000 in market value.

The Atlas Paramount holdings consisted of 4,300 shares of first preferred wtih a market value of $442,900 on Dec. 31, compared with 6,000 shares valued at $444,035 last April 30, and 5,000 shares of second preferred valued at $65,000, compared with 5,100 shares valued at $42,712 on April 30.

The Atlas annual report states that on completion of the RKO reorganization it will receive for its present holdings $2,786,600 of new RKO preferred stock; 381,928 shares of new common and 327,812 common stock option warrants. It states that no income was received from its RKO investment during 1938 but that it incurred expenses of several hundred thousand dollars incident to the RKO reorganization.

In addition, Atlas lists holdings of $1,106,000 of RKO past due gold notes and an unsecured claim against RKO of $1,254,626 principal amount.

The Atlas report listed gross assets of $66,509,941 on Dec. 31, equal to $12.44 per share of common, or an increase of about 20 per cent over the preceding year. Dividends in 1938 amounted to $1,688,801 on the common and $1,403,415 on the preferred.

'Union Pacific' Opens In Omaha on April 21

OMAHA, Feb. 23.—Opening of Cecil B. DeMille's "Union Pacific" here in three first run theatres simultaneously April 21 will be preceded by a civic parade and dinner which 6,000 are scheduled to attend. Plans for the opening and selection of the date were arranged at a two-day conference at which were present Robert M. Gillham, Paramount publicity and advertising head; Cliff Lewis, west coast advertising head; Terry DeLapp, studio publicity director; William H. Pine, associate producer; Ted Emerson of Tri-State Theatres and E. C. Schmidt assistant to the president of the Union Pacific.

Mass. Governor to Give Quiz Winners

BOSTON, Feb. 23.—Gov. Leverett Saltonstall will announce the winners of the $250,000 Movie Quiz contest at three leading Boston theatres next Monday night.

The governor will appear on the stages of Loew's State, the Metropolitan and the Keith Memorial between 8 and 8:45 P.M., and will read the list of winners to the audiences. If the winners are present when their names are read they will be presented with certified checks at once.

'Can't Take It With You,' Tracy, Davis Win Awards

(*Continued from page* 1)

who wrote "Boys Town," were honored for the best original motion picture story.

For the best supporting roles, Walter Brennan for his work in 20th Century-Fox's "Kentucky" and Fay Bainter in "Jezebel" were honored. Named for the best achievement in art direction was Carl Weyl for his contribution to Warners' "The Adventures of Robin Hood" and Ralph Dawson, who did the film editing on the same film, also drew a first prize.

T. T. Moulton, who did the sound recording in the Goldwyn-U. A. "The Cowboy and the Lady," carried off top honors in his class, as he did last year for "Hurricane." Joseph Ruttenberg's cinematography in M-G-M's "The Great Waltz" was declared the best.

Three music awards were voted. Eric Wolfgang Korngold won with the best original musical score in "The Adventures of Robin Hood." The scoring of "Alexander's Ragtime Band" brought an award to Alfred Newman. "Thanks for the Memory," which was heard in Paramount's "Big Broadcast of 1938," won a prize for Ralph Rainger and Leo Robin for the best original song.

Disney Takes Another

That constant winner in the cartoon short subject class, Walt Disney, took another prize for RKO's "Ferdinand the Bull." M-G-M was cited for "That Mothers Might Live" in the 1,000 feet or less category, and Warners, in the 1,000 to 3,000 feet classification, won with "The Declaration of Independence."

A number of special awards for outstanding contributions were granted. Harry M. Warner, president of Warner Bros., received a scroll in "recognition of patriotic service in the production of historical short subjects presenting significant episodes in the early struggle of the American people for liberty."

Deanna Durbin and Mickey Rooney were given miniature statuettes for their "significant contribution in bringing to the screen the spirit and personification of youth and, as juvenile players, for setting a high standard of ability and achievement."

"Snow White" Recognized

In addition to his first prize in the cartoon field, Disney received his second special award. It was for "Snow White and the Seven Dwarfs" (RKO) which was "recognized as a significant screen innovation which has charmed millions and pioneered a great new entertainment field for the motion picture cartoon."

A placque was given to Oliver Marsh and Allan Davey for color cinematography in M-G-M's "Sweethearts." Another placque went to Gordon Jennings for special effects in Paramount's "Spawn of the North," to Farciot Edouart for transparencies, and to Loren Ryder for sound effects in the same film.

A scroll was awarded to J. Arthur Ball, who recently resigned as vice president in charge of research for Technicolor, for "his outstanding contribution to the advancement of color."

Frank Capra acted as master of ceremonies. More than 200 newspaper men and 65 photographers covered the event. The newsreels were also well represented. A neon representation of "Oscar," symbol of Academy distinction was the principal decoration.

Although the Research Council of the Academy, after considering a large number of technical developments found that "none indicated such outstanding value to the entire industry as to merit a major award," honorable mention was granted to John Aalberg and the RKO-Radio sound department for the application of compression to variable area recording in motion picture production. Honorable mention also went to Byron Haskin and the special effects department of the Warner studio for pioneering the development and for the first practical application to motion picture production of the triple head background projector.

Following is a list of the various divisions and the winners in each classification:

Best Production
"You Can't Take It With You."—Columbia

Best Actor
Spencer Tracy in "Boys Town."—M-G-M

Best Actress
Bette Davis in "Jezebel."—Warner

Best Direction
Frank Capra for "You Can't Take It With You."—Columbia

Best Supporting Actor
Walter Brennan in "Kentucky."—20th Century-Fox

Best Supporting Actress
Fay Bainter in "Jezebel."—Warner

Best Original
Dore Schary and Eleanore Griffin for "Boys Town."—M-G-M

Best Screen Play
George Bernard Shaw, W. P. Lipscomb, Cecil Lewis and Ian Dalrymple for "Pygmalion."—M-G-M.

Art Direction
Carl Weyl for "The Adventures of Robin Hood."—Warner

Film Editing
Ralph Dawson for "The Adventures of Robin Hood."—Warner

Sound Recording
T. T. Moulton for "The Cowboy and the Lady."—Goldwyn-U. A.

Cinematography
Joseph Ruttenberg for "The Great Waltz."—M-G-M

Thalberg Award
Hal B. Wallis

Short Subjects
(*Cartoon*)
Walt Disney for "Ferdinand the Bull."—RKO

(1,000 *Feet or Less*)
M-G-M for "That Mothers Might Live."

(1,000 *to* 3,000 *Feet*)
Warners for "The Declaration of Independence."

Original Musical Score
Eric Wolfgang Korngold for "The Adventures of Robin Hood."—Warner

Scoring
Alfred Newman for "Alexander's Ragtime Band."—20th Century-Fox

Original Song
Ralph Rainger and Leo Robin for "Thanks for the Memory" in "Big Broadcast of 1938."—Paramount

Employment Bill Is Introduced in Ohio

COLUMBUS, Feb. 23.—A bill has been introduced in the Ohio legislature by Representative Denver A. Ford, seeking to exempt from the state unemployment compensation law any employer having less than eight persons in his employ. If passed, the bill would relieve many small theatres from paying the 2.7 per cent tax now imposed on all employers of three or more persons.

Ohio theatres now are covered by the state law if they have from three to seven persons employed, but are exempt from the Federal statute which covers only employers having eight or more persons in each of some 20 different weeks of any calendar year.

Toronto House Sets $21 Stock Dividend

TORONTO, Feb. 23.—Marcus Loew's Theatres, Ltd., operating Loew's in downtown Toronto and leasing the Uptown to Famous Players Canadian Corp., has declared a dividend of $21 per share on the seven per cent preferred stock payable March 31 to stockholders of record, March 18.

This amount comprises the regular quarterly dividend of $1.75 and a reduction of $19.25 on arrears which stood at $38.50 at the end of 1938, the current distribution taking care of one half of the cumulative deferred payments. Balance of the arrears is expected to be further reduced during 1939.

May End IATSE Charge

HOLLYWOOD, Feb. 23.—In a hearing in the National Labor Relations Board today Jeff Kibre, chairman of the motion picture technicians committee offered to withdraw charges of collusion between international officers of the IATSE and producers on condition that the international officers be divested of control over the Hollywood film locals, the right of membership of the studio locals to deal with their employers on all matters and removal of all international officers in office.

'Princess' Opens Big

BOSTON, Feb. 23.—"Princess for a Day" exploitation stunt was used, among others, by Bill Chambliss of 20th Century-Fox, for the opening of "The Little Princess" at Keith's Memorial yesterday. Gross of $1,600 was reported for the Tuesday midnight preview, with $4,600 for Wednesday. This is big for the house.

W. E. Hall Injured

MASON, O., Feb. 23.—W. E. Hall, operating the Dream, suffered a concussion and body injuries when his automobile skidded and overturned near Sharonville, O. Physicians at Blair Hospital, Lebanon, where he was taken, said his condition is not serious.

'Din' in England Tuesday

LONDON, Feb. 23.—"Gunga Din" will open in England next Tuesday at the Gaumont, Haymarket, under the patronage of the Duke and Duchess of Gloucester. A 10-week run is set. General release in England is dated for Sept. 18.

Plan to Poll Allied Directors on Pact

DALLAS, Feb. 23.—Meeting of Allied's directors, scheduled by March 1 to act on the proposed trade practice program, may not be held but a wire poll may be taken instead.

Col. H. A. Cole, Allied president and chairman of its negotiating committee, plans to leave Saturday for Washington, announcing there how the vote of the directors will be taken. He expects to be in New York in a week or 10 days and will confer with directors of eastern regional units.

Cole is keeping informed of the progress of the program by telephone calls to New York and Allied headquarters in Washington.

Allied's policy on divorcement legislation in view of the North Dakota repeal is to be determined by the directors.

British Acoustic Trial Ends; Argument Set

WILMINGTON, Feb. 23.—Trial in the patent infringement litigation brought by British Acoustic Films against RCA and Erpi, involving two patents for improved film feed mechanism through sound head projectors, has concluded before Judge John P. Nields in United States District Court. Court set April 7 as the date for argument, March 6 for filing plaintiff's briefs and March 25 for defendants' briefs.

Concluding plaintiff witnesses called in rebuttal were Ian Cremieu-Javal, managing director of British Acoustic; Arnold Poulsen of Copenhagen, joint inventor of film feed patents involved in the suit, and Paul J. Larson, patent expert for Warners.

Acme Agency Action Is Sent to Referee

N. Y. Supreme Court Justice Samuel H. Hofstadter yesterday sent the suit of Michael Atlas and Walter Friedman, doing business as Acme Theatre Ticket Agency, against the League of N. Y. Theatres, Inc., and Actors' Equity Association for hearing to a referee to be named on Monday. Action is to enjoin the defendants and theatre owners from enforcing the Theatre Code of Fair Practices, adopted last year.

James F. Reilly, executive secretary of the league, Paul Dulzell, executive secretary, and Alfred Harding, head of the editorial department of Equity, were present at the hearing.

Orders Details Filed

Charles H. Lehman and William A. Graham, investment brokers, and plaintiffs in a suit for $205,370 against Monogram and J. A. Sisto & Co. have been directed by N. Y. Supreme Court Justice Ferdinand A. Pecora to file a detailed statement of their complaint. Plaintiffs seek commissions allegedly due for raising $3,807,412 for Monogram.

Subpoenas Quashed

CHICAGO, Feb. 23.—Federal Judge Woodward today quashed subpoenas served upon 20th Century-Fox and Loew exchange officials in connection with the Government contempt suit against B. & K. and major companies.

Radio Personals

IRA HERBERT has been named assistant to Bert Lebhar, newly appointed vice-president in charge of sales at WHN. . . . Other additions to the sales staff at WHN include Irving Raskin and Cecil Hackett, former members of the WMCA staff. . . . Tony Gale, arranger-composer of the Jack Miller band heard on the Kate Smith hour, lost his mother this week. . . . John Jager, WNEW head announcer, is doing the commercial announcements on the "Smilin' Jack" show over WOR, under the name of George Brooks.

Independent-Schine Peace Pleases Allied

SYRACUSE, Feb. 23.—Restoration of harmony between independent exhibitors in Syracuse and the Schine houses was hailed at a meeting of the local New York Allied unit here today.

E. Thornton Kelly, state executive secretary, cited the elimination of four features and the increase to 15 cents of children's admissions at Schine houses and the return of cash games at independent theatres.

The independents have in effect a 10-cent price minimum. A membership application and check were returned to a local exhibitor after the committee reported violation of the minimum price agreement.

Frank Allen, of the Solvay, Jack Karp, of the Cameo, and M. Pearlman, of the Cameo, Binghamton, were named to a regional grievance board. The meeting discussed shortage of prints and pending legislative bills.

Process Projection Report Is Released

HOLLYWOOD, Feb. 23.—Research Council of the Academy of Motion Picture Arts and Sciences has issued a report on the council's recommendations on process projection equipment.

The committee in charge of the study was appointed in March, 1938, with Farciot Edouart of the Paramount studios as chairman, and held 13 meetings. The report combines the views of approximately 50 experts in the field of process projection, it was explained.

Air Conditioning Bill Will Affect Theatres

ALBANY, Feb. 23.—Proposal that an air conditioning law be established to license contractors engaged in the construction, installation, alteration, maintenance and repair of air conditioning systems will affect theatre plants.

The bill has been introduced by Senator William Condon, Yonkers Republican and chairman of the Senate Labor and Industries Committee and Assemblyman Francis McCaffrey, New York Democrat.

Plans Columbus Film

PARIS, Feb. 23.—Abel Gance, French producer, plans a feature based on the life of Christopher Columbus. Having obtained permission from the Spanish authorities, he will shoot exteriors on Spanish soil.

Film Censor Measure Offered in Delaware

WILMINGTON, Feb. 23.—Under a bill offered in the state legislature films to be shown before persons under 18 can be censored and juvenile court judges are empowered to censor such films. Limiting trailers to a total of five minutes also is provided in the measure.

Other provisions of the bill include a ban on the sale, lease, loan or exhibition of any films which have been disapproved by judges unless eliminations suggested by them are made. Exhibitors shall refuse admission to persons under 18 where pictures which have not been approved by the judges are being shown.

Another provision calls for submission to judges for study any film which five or more persons of any community have declared to be unfit for exhibition.

Iowa Measure Would Outlaw Chance Game

DES MOINES, Feb. 23.—Representative John S. Heffner has introduced in the Iowa House a bill to redefine "lottery" under Iowa law so as to include any scheme, plan or device in which chance plays any part. The bill would outlaw Bank Night, suit clubs, etc., and would also include such affairs as church benefits where goods are raffled off and other events where automobiles are given to holders of lucky tickets, or Bingo games.

Another bill, introduced in the House by Representative Judd, would levy 10 cents a ticket state tax on all admission tickets for Bank Night.

Senator A. E. Augustine of Oskaloosa has introduced a film censor bill. The bill would create a state board of motion picture censors composed of nine persons appointed by the Governor for three-year terms at not more than $4,500 salary annually.

Cagney Earnings in 1938 Were $234,000

WASHINGTON, Feb. 23.—James Cagney earned $234,000 from Warners in 1938 and ranked as their highest paid star. Kay Francis, in second place, earned $224,000 in 1938 which was $15,000 more than she earned in 1937. Cagney's 1937 earnings were not listed.

Harry Cohn, Columbia president, drew $182,020 in salary during the year. The figures were revealed by the statements filed by Warners and Columbia with the Securities & Exchange Commission.

C.E.A. Unit Forms Independent Group

LONDON, Feb. 23.—London and Home Counties Branch of the Cinematograph Exhibitors' Association yesterday formally launched a new committee of independents within the branch. The formation of the new group is entirely within the scope of the organization's constitution, it is pointed out.

Exhibitors, concerned over the television situation, will ask the General Counsel of the C. E. A. to appoint an active and expert committee and demand regular reports.

Zanuck Explains Policy on Stars' Air Appearances

WASHINGTON, Feb. 23.—Policy of 20th Century-Fox on film star broadcasts is stated by Darryl F. Zanuck, production chief, in a letter to Abram F. Myers, Allied general counsel, which appears in an organization bulletin.

In reply to a wire from Allied commending Zanuck on withdrawing Tyrone Power from the air, the producer said:

"The interests of the exhibitors are 20th Century-Fox's interests. It has ever been our policy to follow a course which strengthens those who show our pictures, for in so doing we are adding to our own strength.

"We shape our pictures and our players toward the furthering of this purpose. The appearance of motion picture stars on the air endangers their prestige and their drawing power unless they are supplied with the finest kind of material. It is difficult for radio to supply this material when it has to be rushed into dramatic form and presented after a brief rehearsal. Even after long deliberation and expense it is a difficult task, as the studios can attest from production experience.

"You can rest assured," Zanuck informed Allied, "that in the future, as in the past, our cooperation will continue to be regulated in a way that will protect our players, the exhibitors and our company."

New Canada Houses Totaled 102 in 1938

TORONTO, Feb. 23.—According to Canadian trade records for the calendar year 1938, the number of new theatres in the country was 102 while change of ownership was registered in the case of 75 theatres.

Greatest construction was reported from the Prairie provinces where 49 theatres were opened during the 12 months, with 16 new houses listed in Ontario; 15 in the Province of Quebec; 18 in the Maritime Provinces and four in British Columbia.

The number of theatre sales in the Winnipeg-Calgary territory totaled 51, or more than two-thirds of the country's theatre transactions. Change of ownership of 11 theatres took place in the Province of Quebec; nine were sold in Ontario, and two each in British Columbia and the Maritime Provinces. The number of theatres in Canada at the end of December was 1,351.

'Yank at Eton' for M-G-M

HOLLYWOOD, Feb. 23.—M-G-M today placed "A Yank at Eton" on its English production schedule and will star Mickey Rooney and Freddie Bartholomew in the film. John Considine will produce.

Set 'Oklahoma' Opening

Warners will stage the premiere of "Oklahoma Kid," starring James Cagney, in Tulsa and Oklahoma on March 3, and plan to use two houses, the Orpheum and Majestic, in Tulsa.

AS NEVER BEFO

JAMES

CAGNE

Incomparable! Unconquerable! Thundering
bullet-streaked badland as the fierces
the great West ever knew...Th

OKLAHO





with

HUMPHREY BOGART
ROSEMARY LANE
DONALD CRISP • Directed by **LLOYD BACON**

Music by Max Steiner • Screen Play by Warren Duff, Robert Buckner and Edward E. Paramore • From an Original Story by Edward E. Paramore and Wally Klein

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MA KID

ANOTHER 'ANGEL' OF AN ATTRACTION FROM

WARNER BROS.

FIRST 5 KEYS OUT OF 5

H. O. KEITH'S, BALTIMORE

H. O. CIRCLE, INDIANAPOLIS

H. O. LOEW'S, HARTFORD

H. O. UNITED ARTISTS, PORTLAND

H. O. RIVOLI, NEW YORK

HELD OVER!

Woodenpuss and Gopherpuss carry their radio feud to the Screen in the Battle of the Century! *A SWEET EXPLOITATION ANGLE!*

W. C. FIELDS *in*

"YOU CAN'T CHEAT AN HONEST MAN"

with EDGAR BERGEN · *and* "CHARLIE McCARTHY"

and "MORTIMER" · CONSTANCE MOORE · MARY FORBES · THURSTON HALL · PRINCESS BABA

Original story by Charles Bogle

Directed by GEORGE MARSHALL *Produced by* LESTER COWAN

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 38 NEW YORK, MONDAY, FEBRUARY 27, 1939 TEN CENTS

Warner Plans 48 Next Year; 36 Will Be 'A'

Sales Convention Here on March 13 and 14

Warner plans for its 1939-'40 production call for 48 full-length pictures. Of these 36 will be "A" productions, with 12 "B" feature films. The program calls for release of two outstanding pictures each month during the new motion picture year which begins in September.

In view of the fact that production plans have been completed for the new season, following recent conferences on the coast and in New York, the company has set the date for its annual national and Canadian sales conference for March 13 and 14. It will be held at the Waldorf-Astoria, according to the announcement by Gradwell L. Sears, general sales manager.

Early Date Set

Setting of the early date, Sears said, was the result of efforts to carry on the impetus of company activities which now are at the highest peak in the history of the company.

Production of a substantial number of shorter features of a higher quality is being planned to meet the possibility of gradual elimination of dual features, which Warner believes to be inevit-

(*Continued on page 6*)

Edwards, Saphier Get GN Sales Posts

HOLLYWOOD, Feb. 26.—E. W. Hammons, president of Grand National, has named Sol Edwards as sales manager for all territory east of Chicago and Morris Saphier to handle sales west of the Windy City. Edwards, New York circuit manager, will make his headquarters in New York, and Saphier, now handling Los Angeles and San Francisco, will have headquarters in Los Angeles and Chicago.

Hammons' action follows the resignation of Edward Alperson last week as vice-president and general sales manager.

Seeking additional deals for product to distribute Hammons has extended his stay on the coast to this week. He would not disclose the nature of the pending deals but said he hoped to straighten out the G. N. release schedule before his return to New York.

Economy measures, including layoff of some exchange salesmen, are being enforced to curtail expenses until pictures are delivered, Hammons said.

Quiz Winners to Get Word Tonight

Officialdom from governors down will be on hand to open envelopes containing the list of Movie Quiz winners tonight. Names of winners will be kept secret until the last moment and then will be announced simultaneously from coast to coast. News services will not receive the lists until sufficient time has elapsed to permit film houses to make the first announcements. The checks will be mailed March 1.

Baird Plans to Put Television In U. S. Market

Baird Television, which is financed in part by Gaumont British, may manufacture both theatre and home television receivers, under its own patents, in this country, according to Ian Javal, commercial director for Baird, who is investigating the practicability of the move during his current visit here from London.

The Baird theatre receiving equipment might be marketed here for $5,000 to $7,000 if the company's own factory was established in this country, Javal said. Equipment has been installed in G. B.'s three West End houses in London, the Tivoli, Tatler and Marble Arch Pavilion, where for the first time in television history a sporting event of national interest—

(*Continued on page 6*)

Conference Set for Tomorrow on Kibre Proposals to IATSE

HOLLYWOOD, Feb. 26.—Representatives of I. A. T. S. E. and the studios with attorneys will meet Tuesday with Dr. Towne Nylander, regional N. L. R. B. director, to discuss terms of the settlement proposed by Jeff Kibre, I. A. T. S. E. minority leader, to drop charges of company unionism and other Wagner Act violations against producers and I. A. T. S. E. International.

On Thursday Kibre made a series of proposals which included, among other things, recognition of local organizations as collective bargaining agencies and acknowledgment by producers that the Wagner Act had been violated.

U.S. Test Set Today On Anti-Ascap Laws

Constitutionality of anti-Ascap legislation pending in state legislatures throughout the country may be determined today by the U. S. Supreme Court in decisions expected to be handed down in tests of the Florida and Washington anti-Ascap laws.

Virtually all of the anti-Ascap legislation either enacted or currently before state legislatures is patterned after one or the other of the state measures on which the court is due to rule. These include Nebraska, Montana and Tennessee, where the bills have become law, and Arkansas, North Dakota and Connecticut, where action on them is pending.

Name Four to CompleteRKO Directorate

Nast, Eberstadt, Durell and Parsons Added

Conde Nast, publisher; Ferdinand Eberstadt, investment broker; Thomas P. Durell, investment broker, and John E. Parsons, attorney, were added to the proposed list of members of reorganized RKO's board of directors on Friday, completing the list of 13.

The remaining nine members of the board were reported in MOTION PICTURE DAILY on Feb. 8. They are George J. Schaefer, president; Ned E. Depinet, vice-president; Floyd B. Odlum, chairman of the board; N. Peter Rathvon, chairman of the finance committee; W. G. Van Schmus, Lunsford P. Yandell, James G. Harbord, L. Lawrence Green and Frederick L. Ehrman.

Mallard Proposed for Post

In addition to the officers named, William Mallard has been proposed for secretary and treasurer or assistant treasurer of the reorganized company.

The nominations have the approval of a majority of the RKO creditors and security holders but must be approved also by the Federal court. Federal Judge William Bondy will hear

(*Continued on page 6*)

Wilcox, RKO Form Imperadio Pictures

Imperadio Pictures, Ltd., will be formed with joint RKO and British ownership as the new producing company for Herbert Wilcox, the latter said prior to his departure for England Saturday on the *Queen Mary*.

RKO and the British interests each will have three directors on the board, including George J. Schaefer, RKO president, and Wilcox. Dr. A. H. Giannini will be the seventh and neutral member of the board, and will act as chairman.

Imperadio will produce several pictures in Hollywood as well as three or four in England annually. The first will be made in Hollywood with Anna Neagle, who sails from England in about two weeks, to be starred. The new company's first production abroad will be based on the life of Lord Kitchener and will be made with the cooperation of the British Government.

Phil Reisman, RKO foreign manager, also sailed. He will be away about two months.

Schaefer Refutes Wanger On Propaganda on Screen

George J. Schaefer, RKO president, in a statement issued over the weekend, took issue with Walter Wanger's contention that the industry's production code discourages the honest handling of modern social and political problems. The statement was directed at newspaper reports of a speech delivered by Wanger at a luncheon meeting last week.

Schaefer's statement pointed out that there is nothing in the production code which denies anyone the opportunity to make a patriotic film, but that when propaganda or controversial themes are disseminated under the guise of patriotic films, the problem becomes a different one.

"The motion picture producer," he stated, "should have the right to make politically controversial pictures if he chooses to do so, but he should make them with his own money and show them in his own theatres. If he chooses to be a propagandist for any cause he has that right but he has no right to use his stockholders' money for that purpose, unless they are aware of and in accord with his ideas; but they or he have no right to foist personal opinions upon the paying public under the guise of entertainment.

"That the motion picture could be a tremendous instrument for propaganda no one can deny," conceded Schae-

(*Continued on page 6*)

Purely Personal

W. C. MICHEL, executive vice-president of 20th-Century-Fox, returns today from a Florida vacation.

•

JOHN HICKS, Jr., vice-president in charge of Paramount's foreign department, is scheduled to arrive in Brussels today, Amsterdam tomorrow, Berlin on Wednesday and then to Copenhagen.

•

CRESSON E. SMITH, western and southern sales manager for RKO left over the weekend for Palm Beach.

•

WALTER TRUMBULL, assistant to WILL H. HAYS, is recovering at his home from a severe attack of the flu.

•

PHIL REISMAN sailed Saturday on the *Queen Mary* for England and the Continent, for an eight-week trip of inspection.

•

HARRY A. ROSS, president of Ross Federal, returns from Miami today.

•

LEO ABRAMS, MURRAY GINZBERG, PHIL WINNICK, ERWIN HODES, NORMAN ARENWELD, DAVID A. LEVY, JOE KATSCH, HARRY THOMAS, NAT PRICE, JULES LIGGETT among those present at MAX COHEN'S 17th wedding anniversary celebration Saturday night.

•

AL HERMAN, district manager for Universal, left Saturday for a 10-day West Indies cruise.

•

BOB WOLFF, New York branch manager for RKO, is confined to his home with the grippe.

•

JAMES CAGNEY has been commissioned a colonel on the staff of the Governor of Oklahoma in connection with the dual premiere of "The Oklahoma Kid," in which Cagney is starred at Tulsa and Oklahoma City March 3.

•

HAROLD LLOYD arrived Friday from the coast for a combination business and pleasure visit. He has no picture plans.

•

BILL SUSSMAN of 20th-Century Fox is in Boston.

•

ARTHUR JACOBSON, talent scout for Paramount, is in town from the coast with MRS. JACOBSON. They are at the Waldorf and expect to remain about three weeks.

•

JOSEPH I. BREEN, Production Code Administrator, left over the weekend for the coast. The Breens returned a week ago from a West Indies cruise marking their 25th wedding anniversary. They are stopping off in Philadelphia en route west.

•

DOUGLAS FAIRBANKS, Jr. terminates a long vacation when he returns to Hollywood tomorrow.

•

FRANK X. MISKE, Ross Federal controller, is back from a Caribbean cruise.

•

BERNARD SIMON is the new publicity head for the New York Federal Theatre Project, succeeding TED MAUNTZ.

Insiders' Outlook

By SAM SHAIN

MIAMI BEACH, Feb. 26.—This winter capital of the country is also the winter capital of show business. Not only the President, but show people, too, and visiting newspaper personages, give this area much of the glamour which it radiates and much of the prestige which it enjoys as a colorful recreation center.

It is the height of the season right now. As this is being written among those who are in town are Nicholas M. Schenck, Barney Balaban, Edwin L. Weisl, Herman Robbins, Leo Spitz, Harry Ross, Ted O'Shea, Major Albert Warner, Dan Arnstein, Morgan Kaufman, Herbert Bayard Swope, Al Greenfield, Harry Thomas, Marty Mullins, Hal Horne, Percy E. Elkeles, Hal Halpern, M. H. Aylesworth, Walter Winchell, Jack Wheeler and Dan Arnstein, to list a few.

Also here are John Harris, Ike Libson, Arthur Willi, Ralph Rolan, Myer Schine, Willard McKay and Louis Sobol.

Exhibitors from every part of the country flock here. Many of them are retired.

▼

If not stopping over, passing through here for other overland spots or to points in the West Indies, by sea, are many others. Joe Vogel, Bob O'Donnell and Tom Connors arrived a few days ago and went on to the West Indies.

It's a great spot when the weather is good—but a cold spell like that which blew in the other day and remained for more than 48 hours scares the sunlight hours out of everybody and a mad exodus begins, but stops just as quickly when the sun breaks out again.

This is the biggest season in the city's history, and right now the season is at the zenith. To picture what this means try to envision a district of which the normal population may run to about 150,000, suddenly swelled in the quick time of 12 weeks to 500,000 persons.

It is estimated that at this time, the floating population or tourist crowd here is no less than 320,000.

▼

Thousands from show business here, working or playing.

It's a sucker town, of course, and during the season, that is, December, January and February, the grosses are automatic for everybody.

Down here they are crazy about Bingo and gambling is wide open. The Bingo games begin at midnight, not so much in deference to the theatres or legitimate business but so as not to affect the dog races adversely. Actually the Bingo stuff is a lure to get the patrons into the more standard forms of gambling, which run through the night.

There are as many as 10,000 persons playing Bingo nightly in the public gambling places here, according to native estimate.

The games are ballyhooed as "non-profit" but actually the grand prize is never shared singly. The winner always has a "partner." That "partner" works for the house. So that must be the house percentage. But the crowds go for it just the same.

Hialeah Park is running, and on its biggest Saturday to date, with races which included such horses as War Admiral, Stagehand and Bull Lea for drawing cards, the track played to 26,000 persons and a handle of $700,000.

At Santa Anita opening day, in the heart of the film colony, the handle is said to have been $1,000,000. That's just by way of comparison.

▼

February, of course, is the biggest grosser.

Now everything is sky high, including food. A good dinner will cost between $3.50 and $5 per person. At some places like the Croydon Arms you can do all right for a moderate sum. In fact, this hotel, which is one of the newer spots, is among the finest here and its rates are favorable.

The night clubs are strictly sucker spots and overrated. Joe Lewis at the Continentale gives the most for the money and he plays to a packed house nightly. Lewis is that kind of an entertainer and most popular.

▼

Theatres here, at this time, of course are going high. There are some new independents here and many pictures which would not be permitted by authorities up north get a big play here. The circuits are strictly single standard. They do not countenance twin-billing.

It's a 12-week business season here and you live off that which you can get in December, January and February.

Prices jump 300 per cent over November to February and go down 90 per cent under the prevailing December rates in May for the benefit of Alabama and Georgia tourists, who come here in May and romp about at the rate of around $10 per week for two persons, where now the minimum may run to $150 for two.

Most of the laundries, nearly everybody admits, are mostly atrocious, especially during the height of the season. Rates are high and many find it advisable to send their linen home rather than trust it to local cleaners.

One of the most genial hosts of this city is W. R. Lynch. But then, theatre folk everywhere are the finest hosts.

On a nice sunny day, in Biscayne Bay, you can see the pennants flying from Commodore Robbins' boat, the *Jacknjill II,* or Stanton Griffis' luxurious yacht, the *Northwind,* on which Barney Balaban is stopping, and Leo Spitz's impressive craft, the *Caroline.*

Along with other craft in the bay they are nice to look at, but it is much more enjoyable being on them, under steam.

Divorcement Law in Kansas Is Sent to Senate for Passage

TOPEKA, Feb. 26.—The Kansas affiliated theatre divorcement law was recommended for passage by the house on Friday. The measure now goes to the Senate.

Introduced in the legislature less than two weeks ago by Representative Williamson of Kansas City, Kas., the bill was reported out of committee promptly with a recommendation for passage. The house, in passing it, acted almost as promptly. If passed by the senate and signed by the governor, the measure would become effective next Jan. 1. It is similar in all basic respects to the North Dakota affiliated theatre divorcement law which was repealed recently, and to the divorce bills pending in the Missouri and Nebraska legislatures.

Fox West Coast will be the only circuit affected by the law in the event of its enactment. Thus, a different legal test from that offered by the North Dakota measure might develop, inasmuch as 20th Century-Fox owns only 42 per cent, or less than a controlling interest, in its theatre operating company, whereas Paramount, the only producer-distributor affected by the North Dakota law, holds a 100 per cent interest in its affiliated theatres in that state.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

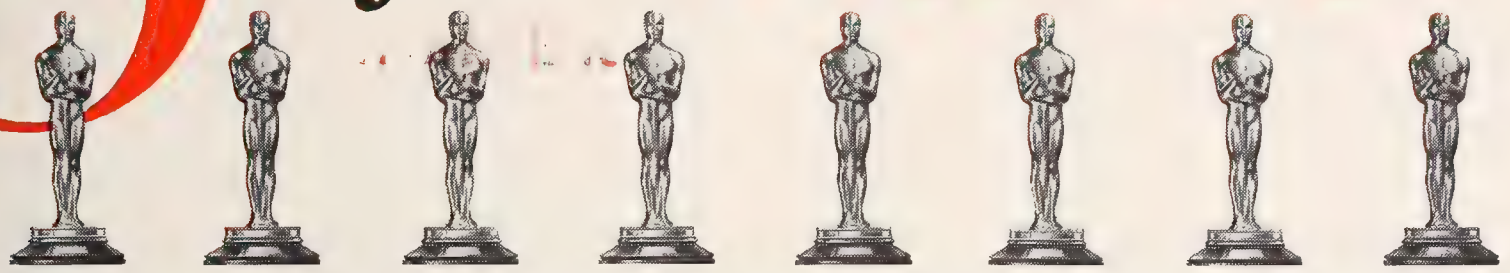
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS:—*Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

8 'BESTS' *for* Warners!





Best Performance by an Actress

BETTE DAVIS
in
JEZEBEL



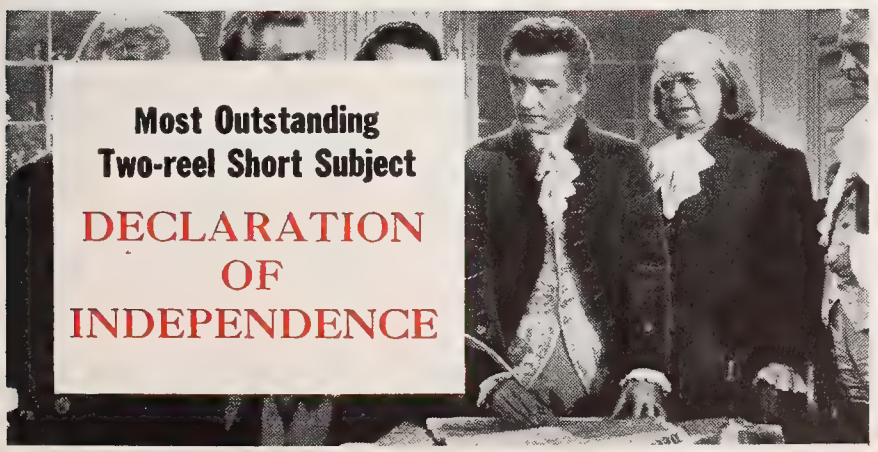
In Recognition of Patriotic Service

HARRY M. WARNER
President, Warner Bros. Pictures



For Most Consistent High Quality Production Throughout the Year, The Irving G. Thalberg Memorial Award to

HAL WALLIS
Executive Producer for Warner Bros.



Most Outstanding Two-reel Short Subject

DECLARATION OF INDEPENDENCE

Best Supporting Actress

FAY BAINTER
in JEZEBEL

Best Art Direction

Carl Weil, for
ADVENTURES OF ROBIN HOOD

Best Film Editing

Ralph Dawson, for
ADVENTURES OF ROBIN HOOD

Best Original Score

Eric Wolfgang Korngold, for
ADVENTURES OF ROBIN HOOD

24 WAYS TO

—and "The Little Princess"

IRVING BERLIN
"A picture you'll enjoy seeing again and again!"

L. A. EXAMINER
"Adult entertainment, filled with suspense and never-abating interest!"

AL JOLSON
"Mammy! Whatta show!"

HOLLYWOOD REPORTER
"Should build up great grosses here and throughout the world!"

DOROTHY KILGALLEN (N.Y. Journal-American)
"For everyone — mothers, fathers, grandfathers and jitterbugs!"

DAILY VARIETY
"Goes to the b. o. with all the auspices for heavy grosses!"

SPENCER TRACY
"It's a *new* screen thrill!"

L. A. EVE. NEWS
"Had Hollywood audience dabbing at its eyes!"

M. P. DAILY
"As fine as anyone could desire . . . equal appeal for adults and children!"

BOSTON POST
"Capacity crowds ring the bell for Hollywood's No. 1 Star!"

WALT DISNEY
"Magnificent entertainment for everybody . . . everywhere!"

BOSTON HERALD
"Packed Keith Memorial Theatre to the doors!"

AND AT THE WORLD PREMIERE IN BOSTON —

THE LITTL

CONTINUES TO TOP EVERY 20T

(Thanks to that adult-appe

SAY "GREAT!"

reat in more ways than that!

FILM DAILY
"Sure fire boxoffice . . . headed for exceptional grosses!"

L. A. TIMES
"Designed for the most widespread popularity. Plenty of tears are due to be shed!"

JOAN CRAWFORD
"You will cherish its memorable moments . . . its dramatic beauty!"

L. A. EVE. HERALD
"Shirley Temple . . . the baby Bernhardt!"

BOSTON RECORD
"Just about perfect!"

HEDY LAMARR
"A delightful entertainment experience!"

N. Y. DAILY MIRROR
"Acclaimed the proudest achievement of Darryl F. Zanuck."

TYRONE POWER
"You'll join in the tears and the cheers!"

N. Y. JOURNAL-AMERICAN
"One of the screen's finest achievements! Inspired cheers!"

BOSTON TRANSCRIPT
"It's easy to agree that motion pictures are your best entertainment!"

BOSTON GLOBE
"Adult audience screamed with excitement!"

BOXOFFICE
"Sockeroo! Will win Shirley a new army of fans, young and old!"

PRINCESS

T EVER TO PLAY KEITH'S MEMORIAL!

k for smash night trade!)

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

January Tax Total Up to $1,564,134

WASHINGTON, Feb. 26.—Admission tax collections in January of $1,564,134 have been reported by the Internal Revenue Bureau.

Although the month's receipts were $456,000 under the $2,020,376 reported for December, the bureau announced, they were some $210,000 above the January, 1938, revenue of $1,353,415.

January was the first month since last March in which collections exceeded those of the corresponding period of the preceding year.

For the first seven months of the current fiscal year, the bureau reported, collections amounted to $11,878,708, a loss of $928,724 compared with the $12,807,432 collected in the corresponding period a year ago.

Collections in the Third New York (Broadway) district totaled $447,840, compared with $617,721 in December and $339,074 in January, 1938.

All of the loss from December was in box-office collections, it was disclosed, the total dropping to $361,464 from $551,291.

Other collections in the district were: free or reduced rate admissions, $6,820 against $3,626 in December; tickets sold by brokers, $20,909 against $10,558; tickets sold in excess of established price, $466 against $1,338; permanent use or lease of boxes and seats, $43 against $1,300; admissions to roof gardens and cabarets, $58,138 against $49,608.

Press Reaction Less Favorable in 1938

Press comment pertaining to the industry and its affairs was six per cent less favorable last year than it was in 1937, despite the staging of the $1,000,000 promotional and newspaper advertising campaign, according to an analysis of news, editorials and columnists' material made by the M.P.-P.D.A.

Salesmen, Bookers to Attend 20th-Fox Meet

Salesmen and bookers will attend the national sales convention of 20th Century-Fox in Chicago, April 3 to 5. Herman Wobber, distribution head, who is vacationing in Florida, is due at the studio March 13 for pre-convention conferences.

Morton A. Levy, district manager at Minneapolis, has been named leader of the seventh annual Kent drive, which will start in August.

A. M. P. A. to Honor Johnston Thursday

A. M. P. A. will pay tribute to W. Ray Johnston, president of Monogram Pictures, who is celebrating his 25th year in the industry. On the entertainment program will be Helen Westley, Bert Frohman and Charlie Cantor. After the entertainment a closed business meeting will be held to elect a nominating committee which will select a slate of officers for the coming year.

'Prison' Opening Set

American premiere of "Prison Without Bars" (Korda-U. A.) has been set for Friday at the State, Detroit.

Warners Plans 48 In 1939-'40 Season

(Continued from page 1)

able. The short subjects will be 2,000 to 4,000 feet, along the lines of "The Declaration of Independence," "Give Me Liberty" and "Lincoln in the White House," historical shorts in color now being released by the company.

Company plans call for the production of 12 or more of these short subjects.

In conclusion the announcement on the sales convention said that Warners, believing in independent action has, however, given sympathy and encouragement to the recent trade practice conferences.

The company, said the statement, "is firm in the conviction that by maintaining the highest standards in all branches of production and distribution, and taking a definite step toward the elimination of so heavy an industry incubus as the present double bill, it is justifying its place in the motion picture world."

Four More Named To RKO Directorate

(Continued from page 1)

objections to the proposed directors and officers at a hearing scheduled for this afternoon. Objections to confirmation of the RKO reorganization plan will be heard by the court at the same time. Formal confirmation of the plan by the court is not expected until later.

Odlum's tenure as board chairman may be for a limited period only following reorganization. He will be available to the new company in an advisory capacity on general policy matters. Rathvon will be chairman of the finance committee, other members of which will be Yandell, Ehrman and Parsons.

Durell is an investment broker associated with White, Weld & Co. and represents Time, Inc., holder of about $1,250,000 of unsecured RKO notes. Eberstadt, president of the investment company bearing his name, is a former director of RKO Radio Pictures Corp. He is chairman of the RKO stockholders' protective committee, and is its representative on the board.

Conde Nast, head of the publishing firm, is an Atlas representative. Parsons, associated with the law firm of Winthrop, Stimson, Putnam & Roberts, is a representative of Rockefeller Center.

Funeral Services for Brandt Wednesday

Rabbi William F. Rosenblum, of Temple Israel, will conduct the funeral services for Joe Brandt, first president of Columbia Pictures, Wednesday at 2 P.M. at the West End Funeral Chapel, 200 W. 91st Street. Interment will take place in the Westchester Hills Cemetery, Westchester County.

Moss Closes Corona House

License Commissioner Paul Moss on Sunday closed the Granada in Corona for staging "jitterbug" dances, which the Commissioner says is illegal in film theatres. License was suspended for one day.

Allied Pact Report Is Due Wednesday

Wednesday is the deadline for a report by Allied's trade practice negotiating committee to the board of directors. The committee was so instructed at the national board meeting in Washington last month. Indications are that the deadline for a directors' vote on the latest draft may be extended.

Baird Plans to Make Television Sets Here

(Continued from page 1)

the British lightweight championship—was presented to paying theatre patrons last week.

Javal said he had been informed that reception was good in the theatres and lasted 75 minutes. He said that the houses played to capacity at $5 a seat. The championship fight was broadcast to the theatres by the British Broadcasting Co. and reproduced on Baird's 15 feet by 12 feet theatre screen, said to be the largest in the world. As a result of the success of that initial commercial theatre television offering, Javal said, Gaumont British has decided to equip its entire circuit with television receiving apparatus as rapidly as transmitting facilities permit.

The Baird representative, who has viewed television demonstrations in New York, asserts that England is considerably farther ahead in television use than the rest of the world. He said that reception of programs had been reported in England at distances of 90 miles, whereas reception up to 25 miles is considered good here.

Baird expects televisoin to supplement theatre programs, rather than compete with them, he said. The expectancy in England is that theatres will be able to offer an hour of television in place of a second feature, with the television program consisting either of actual events or special productions.

Javal said that Baird is negotiating for a Broadway theatre in which to demonstrate its theatre television receiving equipment during the World's Fair. Baird leases its theatre television equipment, but sells its home receiving sets outright.

Schaefer Refutes Theory of Wanger

(Continued from page 1)

fer, "but that it has kept itself practically free from misuse and has stuck to its primary job of furnishing entertainment is a tribute to the common sense and integrity of the industry as a whole.

"The right of free speech and a free press is a fundamental of our democracy and this constitutional right can and should be interpreted to include a free screen. But the privilege of a free screen carries with it the responsibility of preserving it. If a producer chooses to use the motion picture instead of the newspaper, the pamphlet or other media for the expression of his ideas, that is his right and I would be the last to deny it, but this privilege does not include the right to smuggle propaganda to those who have paid their admission price for entertainment."

National Will Start Film Deals in March

National Theatres will start negotiations on 1939-'40 film deals next month. J. J. Sullivan, Fox West Coast film buyer, is due March 7 for his annual session with William Powers, chief buyer.

Spyros Skouras, operating head of National Theatres, who arrived today from the coast, said that film buying will get under way slightly later this year than usual.

The giveaways at Fox West Coast houses, revived after several months, are only in connection with drives and will not become permanent, Skouras said. Policy on chance games and giveaways is an individual one with the division managers.

While on the coast Skouras discussed with Darryl F. Zanuck the situation of film stars on the air and declared that it is high time the industry realized this competition cuts deeply into box-office grosses. He indorsed Zanuck's action in withdrawing Tyrone Power and Alice Faye from radio.

Lift 'Daughter' Ban; Strand Opening Big

N. Y. Board of Regents on Friday lifted the censorship on "Yes, My Darling Daughter" which had been banned by Irwin Esmond, chief censor, and the film went into the Strand Saturday to big business, with eight shows given in the day. The board approved a revised version which was screened before a committee of three Thursday.

At the same time, the appeal of Lenauer International Films from Esmond's ban of the French film "The Puritan" was dismissed. Grand National Films entered the highly active censorship situation by appealing from Esmond's ban of "Sunset Murder Case."

Hilgers to Succeed Everett at Republic

H. H. (Heck) Everett has resigned as southern district sales manager for Republic. Clair Hilgers, special sales representative in the south, will succeed him. Everett has held the post for two years. The territory embraces Atlanta, Tampa, New Orleans, Charlotte, Memphis, Dallas, Oklahoma City and Little Rock. Hilgers will make his headquarters in Atlanta.

Yates Due Friday for Product, Sales Talks

Herbert Yates is due to arrive at the coast Friday for conferences with M. J. Siegel, Republic studio head, for conferences on next season's product and sales plans. Yates, who left New York Wednesday, is making several stops enroute.

Allyn Butterfield, former executive of RKO Pathe News, has joined Republic as a producer.

RCA Declares Dividends

Dividends on First Preferred and "B" Preferred of 87½ cents and $1.25 respectively were declared by Radio Corporation of America at the regular meeting of the Board of Directors Friday.

Columbia thanks the Academy for selecting as the best picture of 1938



FRANK CAPRA'S YOU CAN'T TAKE IT WITH YOU

JEAN ARTHUR · LIONEL BARRYMORE · JAMES STEWART · EDWARD ARNOLD

MISCHA AUER · ANN MILLER

Based on the Pulitzer Prize Play by GEORGE S. KAUFMAN & MOSS HART • Screen play by Robert Riskin • Directed by FRANK CAPRA

Congratulations to Frank Capra for winning again the Award for Best Direction!

★ The public will thank exhibitors who re-book it!

Capra's Next: MR. SMITH GOES TO WASHINGTON

Sold Exclusive From Any Columbia Group

First Television Ads Will Be Film Shots

Early advertising through the medium of television will take the form of talking picture shots, broadcast from motion pictures, according to the Van Sant, Dugdale Co., Baltimore advertising agency, which has just issued an article titled "Television in 1939."

This television advertising will be comparable to the transcribed spots of radio, or the one minute shorts used for motion picture advertising.

However, before advertising actually reaches television, the agency states, the F.C.C. must remove current restrictions against commercialism of television, and sales of television sets to the public must become general.

"A big audience must be assured to justify the cost of producing programs in which the advertising story will be seen as well as heard," the agency states. "But television's possibilities for showing a product in use and dramatizing the benefits which it brings will be tremendous."

Large Crowd Attends Columbia Club Party

Several hundred members and guests attended a dinner dance of the Columbian Club at the Waldorf-Astoria Saturday. Columbia executives present included Jack Cohn, A. Schneider, A. Montague, J. A. McConville, Louis J. Barbano, Rube Jackter, Maurice A. Bergman, Louis Weinberg, Louis Astor, M. J. Weisfeldt, Leo Jaffe, M. Wormser, Leonard S. Picker, David A. O'Malley, Irving Moross, Frank McGrann, Hortense Schorr, Hal Hode, H. J. Takiff, C. W. Sharpe, H. L. Smith, F. L. Weber, William G. Brennan and Ben Schwalb.

Others present were Eugene Picker, Oscar Doob, Marvin Schenck and Charles C. Moskowitz of Loew's; Fred Meyers and J. J. O'Connor of RKO; Louis Notarius and Robert M. Weitman of Paramount; Russell Downing and Gus Eyssell, Music Hall; Jack Shea, William Barry and M. A. Shea, Jr., Shea circuit; D. J. Chatkin, Monarch Theatres, and Louis Schine, Schine Circuit.

Cohn Stock Purchase Is Reported by SEC

WASHINGTON, Feb. 26.—Acquisition by Harry Cohn, Hollywood, Columbia Pictures president, of 41 shares of the company's common stock and 1,719 voting trust certificates, through a stock dividend, has been reported by the Securities and Exchange Commission.

The report showed that Cohn also acquired 30 voting trust certificates through a stock dividend for the Joan Perry account.

A report filed by Henry R. Winthrop, New York, showed that he held no equity securities in Loew's, Inc., when he became a director Jan. 18.

Gets Spanish War Film

"The Will of A People," a new Spanish war feature, will be distributed by Garrison Films. The picture is now in its third week at the Belmont.

Radio Personals

WILLIAM MORRIS agency has booked Vincent Lopez and orchestra to appear at the Capitol Theatre, Minneapolis, during the week of March 24 . . . Art Tolchin, WHN salesman, the father of a boy, named John Robert . . . Sam Elman, commercial manager of WATR, Waterbury, in town for the past several days on business, back to the station today . . . Jimmy Saphier, having liquidated his talent agency here, to Hollywood to take up new duties . . . Dot Hass of the Fanchon & Marco office, pulls out of New York in a few weeks for Hollywood, with the Al Pearce troupe, which resumes broadcasting from the west coast on April 3.

✚

Elliott Nugent, Paramount director, will appear as a guest on Dave Loew's "Sound Track" program over WNEW tonight at 7:30 P. M. . . . Irving Mansfield, publicist, will wed Jacqueline Susann April 2. Miss Susann formerly appeared in "The Women."

Theatre Is Exempted In Ban on Gambling

TROY, O., Feb. 26.—Police Chief E. J. Smick has issued an order that all gambling, including Bank Night as operated by individuals and pools must stop immediately or arrests will follow.

The order specifies, however, that Bank Night conducted by the Mayfair theatre is considered legal, and will not be interfered with.

Conn. House Rejects Two Bingo Measures

HARTFORD, Feb. 26.—Two house bills, one asking for the return of Bingo for charitable organizations, the other limiting grand prizes to $25, have been rejected. Four other bills along the same lines remain to be considered. The measure providing for two men in an operator's booth, defeated six times, will be heard again in Judiciary Committee tomorrow.

Reverse GB Suit Ruling

The Appellate Division of the Supreme Court on Friday reversed a decision of N. Y. Supreme Court Justice William T. Collins, which had directed Arthur A. Lee, as president of Gaumont-British Pictures Corp. of America, to testify before trial and to aid the plaintiff, Regal Distributing Corp. and Kayart Theatres Corp. in framing a complaint against the American and English Gaumont-British Co.

Paramount Suit Enjoined

N. Y. Supreme Court Justice Samuel I. Rosenman on Friday issued a temporary injunction against Ben Blumenthal, restraining him from prosecuting a suit previously brought by him in England against Paramount Pictures, Inc., for alleged failure to remunerate Blumenthal in the sale of Paramount-controlled theatres there. Early trial on the question of a permanent injunction was ordered.

Renew Lasky Show

Chicago, Feb. 26.—Wrigley has signed the Jesse L. Lasky-RKO "Gateway to Hollywood" radio show for another 13 weeks. The program is heard Sunday nights over CBS and is tied in with an RKO talent search. Lasky is master of ceremonies.

Jergens Renews 2 Programs on NBC

Andrew Jergens Co., sponsoring the "Hollywood Playhouse" and Walter Winchell's series over NBC, has renewed both programs for 13-week periods, the renewal starting April 2. "Hollywood Playhouse" presents Charles Boyer on Sundays from 9 to 9:30 P. M., and Winchell is heard from 9:30 to 9:45 P. M. Boyer recently succeeded Tyrone Power as the star of the "Playhouse" when the latter was withdrawn from radio by Darryl Zanuck, of 20th Century-Fox.

Renewed for one year on NBC are "Fibber McGee & Molly," the renewal starting April 11. Program is heard Tuesdays from 9:30 to 10 P. M. on the Red network. Needham, Louis & Brorby is the agency. Sponsor is the S. C. Johnson & Son Co.

Ward Baking Co.'s "Jane Arden," a dramatic script show presented Mondays through Fridays from 10:15 to 10:30 A. M. on the Blue, is renewed for another 13 weeks, through the Sherman K. Ellis agency.

New Station at Troy Approved by F. C. C.

TROY, Feb. 26.—WTRY, 1,000-watt part time station to be inaugurated here this summer, can proceed with construction, according to an F.C.C. ruling. WTRY plans its main studio in the Proctor Theatre Building and its transmitter at Boght Corners. Station is to be operated on a 950-kilocycle frequency, during daylight hours. Pending in District of Columbia U. S. Court of Appeals is litigation begun by WOKO and WABY of Albany, for review of the F.C.C. license to WTRY.

Lifson on 'Music Hall'

Albert Lifson & Sons have signed a year's contract for three 10-minute periods per week on WNEW'S "Music Hall," through the Louis F. Herman agency. Borden Farm Products and China Clipper Restaurants have placed spot schedules with the station.

Muzak Gets Fratkin

Fredric Fratkin, the noted violinist, has organized a 35-piece orchestra. First assignment of the unit is to record for Muzak. The conductor was formerly leader of the Boston Symphony and at one time conducted the Capitol Theatre orchestra.

Extend Kate Smith Talks

Kate Smith's series of noonday talks, three days weekly on CBS, will be extended beyond March 31, end of the original 26-week period. The series is sponsored by Diamond Crystal Salt Co., through Benton & Bowles.

Banner LINES

JOHN LANG recently resigned as a CBS announcer to get a job with RKO as a film actor. He's just been given a part in "Fixer Dugan" . . . that of a radio announcer.

▼

Richard Haydn, comic in the Noel Coward musical "Set to Music," just signed for radio by John Reber of J. Walter Thompson. Look for him to appear in the Chase & Sanborn program.

▼

Hildegarde is an awfully nice young lady, and she sings well in that new Raymond Paige show on CBS, but the agency handling the program is making her appear foolish—in the way they introduce her on the air. On the initial program a choir sang "Hildegarde We Love You" as she stepped to the mike for her first song, and this was followed by a bumptious announcement that "99 men pat down their hair and straighten their neckties as Hildegarde steps to the microphone." Nothing so ridiculous has been heard on the air since Jeanette MacDonald some seasons back coyly advised the radio audience "not to catch cold" on the Vicks program.

▼

A bit of comedy relief can be squeezed sometimes from even the most serious of situations. Recently the papers conveyed Virginia Verrill's terrifying experience when her car ran wild down a narrow California mountain road, ending in a crash that sent Virginia and her two passengers to a hospital. The passengers were a Mr. and Mrs. Harry Zimmerman, who had gone to Hollywood to recover from nervous breakdowns.

▼

Campbell Soup Co. is discontinuing the Edwin C. Hill "Human Side of the News" broadcasts, but not for the usual reasons. It's a personal affair between the artist and sponsor.

▼

An unusual setup has been completed for the Orson Welles program on March 3. The broadcast will bring its three principals in from three cities on two continents. Welles will fly into New York from Boston, where he is currently appearing in a stage play; Mary Astor will fly to New York from Hollywood especially for the broadcast; and Gilbert Frankau, whose book "Royal Regiment" is providing the dramatization, will be piped over from London.

—JACK BANNER

Crummit Sued on Song

Trial of the suit of Adelina Francis Ryan against Frank Crummit and Batten, Barton, Durstine & Osborn started on Friday before Federal Judge Samuel Mandelbaum. Plaintiff seeks $50,000 damages, claiming radio infringement of words of her song, "Her Old Spanish Shawl" in defendant's song, "The Gay Caballero."

CBC to Air Roosevelt

MONTREAL, Feb. 26.—Canadian Broadcasting Corp. will carry President Roosevelt's address to Congress on March 4, over its coast-to-coast network.

Congratulations,

WALT DISNEY



A special award was given Walt Disney for his production of "Snow White and the Seven Dwarfs", as "significant innovation" which "pioneered a great new entertainment field in motion picture cartoons." . . . Another special award was given to Walt Disney for the cartoon "Ferdinand the Bull."

We are glad that we distribute them

RKO RADIO PICTURES, INC.

'Honolulu' in 2 L.A. Houses Hits $33,000

Los Angeles, Feb. 26.—"Honolulu" and "Four Girls in White" showed the way here, taking $33,000 in two houses, $14,400 at the Chinese and $18,600 at Loew's State.

"Pygmalion" continued strong, with $6,000 in its eighth week at the 4 Star. "Wings of the Navy" drew $11,500 at Warners' Hollywood and $12,400 at Warners' Downtown, in the second week.

Estimated takings for the week ending Feb. 22:

"Honolulu" (M-G-M)
"Four Girls in White" (M-G-M)
CHINESE — (2,500) (30c-75c) 7 days. Gross: $14,400. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 8th week. Gross: $6,000. (Average, $3,250)
"Gunga Din" (RKO)
HILLSTREET—(2,700) (30c-65c) 5 days, 4th week. Gross: $5,800. (Average, $6,500)
"Honolulu" (M-G-M)
"Four Girls in White" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $18,600. (Average, $14,000)
"Gunga Din" (RKO)
PANTAGES—(3,000) (35c-65c) 5 days, 4th week. Gross: $4,500. (Average, $7,000)
"Beachcomber" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: F. & M. revue, Rube Wolf and his orchestra. Gross: $15,000. (Average, $18,000)
"Wings of the Navy" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days, 2nd week. Gross: $11,500. (Average, $14,000)
"Wings of the Navy" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days, 2nd week. Gross: $12,400. (Average, $12,000)

'Gunga' $15,500 Is Buffalo Sensation

Buffalo, Feb. 26.—"Gunga Din" hit the jack-pot here, with $15,500 at the Great Lakes.

"Honolulu" took $12,600 at the Buffalo. A Century dual, "Fisherman's Wharf" and "The Law West of Tombstone," clicked for $7,000. Weather was bad.

Estimated takings for the week ending Feb. 18:

"Honolulu" (M-G-M)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $12,600. (Average, $12,000)
"Gunga Din" (RKO)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $15,500. (Average, $7,500)
"The Duke of West Point" (U. A.)
"Tom Sawyer, Detective" (Para.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $6,800)
"Fisherman's Wharf" (RKO)
"The Law West of Tombstone" (RKO)
CENTURY—(3,000) (25c) 7 days. Gross: $7,000. (Average, $6,000)
"Mr. Wong, Detective" (Mono.)
"The Romance of the Limberlost" (Mono.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $6,100. (Average, $6,300)

Girden Buys Chaloner

William M. Girden, realty investor, has purchased the Chaloner, 55th St. and Ninth Ave., Manhattan, from the Central Savings Bank. William Yoost will continue to operate the house. Modernization of the theatre is planned. It is a 1,568-seat house with an assessed valuation of $315,000.

Mexicans for Own Films

Mexico City, Feb. 26.—Mexicans exclusively must be employed by all who would make pictures in Mexico on Mexican themes, the Cinematographic Artists and Employes Union has ruled.

Hollywood Previews

"Winner Take All"

(20th Century-Fox)

Hollywood, Feb. 26.—"Winner Take All" is one of those compact little pictures in which there is a lot of entertainment. It is a prize fight story and the several fights featured, which are the source of action and excitement, make for a full quota of thrills. There is also a surprising amount of legitimate and appealing love interest and a goodly serving of comedy. There are no outstanding names in the cast, but the players featured, particularly Tony Martin, Gloria Stuart, Henry Armetta, Slim Summerville, Kane Richmond and Robert Allen, handle their assignments capably.

Discovering Martin packs a wallop, Allen induces him to become a fighter under his management. The lad is eager for a try at the sport because it will afford him opportunity to repay benefactor Armetta's many kindnesses and help him raise funds for his fraternal organization. Winning a series of fixed bouts, Martin believes he is a real fighter. Meanwhile a sports reporter, Miss Stuart, who has been attracted to Martin, smells a rat. Threatening to expose the fraud only earns her the enmity of Martin. However, when he is knocked cold in his first honest match, the boy who has gone high-hat sees things in a different light, and Armetta, who has bet on him, loses the lodge money. Repentant Martin thereupon puts himself under Miss Stuart's management and begins a new prize ring drive which finally carries him to the top.

Jerry Cady's original story, which was adapted by Frances Hyland and Albert Ray, gets away from trite formula in many instancces. Otto Brower directed.

Running time, 60 minutes. "G."* G. McC.

"Off the Record"

(Warners)

Hollywood, Feb. 26.—Despite the presence of Pat O'Brien, Joan Blondell and Bobby Jordan, a "Dead End" kid, in the cast, "Off the Record" tells a hard to believe story which is somewhat hard to believe. The whole thing might be described as a rehash of any number of newspaper yarns and the same amount of underworld yarns.

The girl reporter is in love with the editor whose only love is the news, any kind of news. They play tricks on each other. Then she uncovers a racketeer story that makes a young lad its innocent victim. Along with his older brother he goes to jail while the big shot goes free. To undo the injustice, the girl persuades the editor to marry her so that they can become the youngster's guardians and get him out of jail. They do. She thinks the youngster is great, an opinion which her husband does not share, but he does get him a job as a candid camera photographer. Thereafter there's a whole lot to do about the older brother breaking jail, dying after killing the man for whom he took the rap; the younger getting embroiled in a supposed gem robbery, pawning his camera and reporting a scoop story that sets him in right with his father by adoption who can't understand why he didn't appreciate his wife's good judgment long before.

Running time, 70 minutes. "G."* G. McC.

"Panama Patrol"

(Grand National-Fine Arts)

Hollywood, Feb. 26.—Straight melodramatic fare, involving Oriental spies and their designs upon the Panama Canal fortifications, is Fine Arts' fifth picture for Grand National release, "Panama Patrol." It is the second of the series of films based on the Government's cipher bureau in Washington.

In the top roles are Leon Ames and Charlotte Wynters. Supporting them are Adrienne Ames, Weldon Hayburn, Abner Biberman, Sidney Miller, John Smart, Donald Barry, Hugh McArthur, William von Brincken, Frank Darien and Paul McVey. Charles Lamont was associate producer and director. The original screenplay was by Arthur Hoerl, based on characters created by him and Monroe Shaff.

Ames, an Army major, stumbles across an Oriental spy ring intent upon stealing the secrets of the Panama Canal defense region. With the aid of his secretary, Miss Wynters, and Weldon Hayburn, a subordinate, he manages to trap them after a series of daring adventures.

The Orientals are identified by language and mannerisms as Chinese.

Running time, 70 minutes. "G."* Vance King

*"G" denotes general classification.

'Pygmalion' Chicago High With $12,800

Chicago, Feb. 26. — "Pygmalion" topped the Loop attractions with a $12,800 gross at the Apollo which is almost twice the normal figure. This was in face of a "flu" epidemic that cut theatre grosses severely.

"Gunga Din" at the Palace scored heavily in the second week. The Garrick with "Jesse James" and the U.A. with "Idiot's Delight" also did well.

Estimated takings for the week ending Feb. 15-18:

"Pygmalion" (M-G-M)
APOLLO—(1,400) (35c-55c-75c), 7 days. Gross: $12,800. (Average, $6,500)
"They Made Me a Criminal" (W. B.)
CHICAGO—(4,000) (35c-55c-75c), 7 days. Stage: B & K Revue. Gross: $24,000. (Average, $32,000)
"Jesse James" (20th-Fox)
GARRICK—(900) (35c-40c-50c), 7 days. Gross: $6,500. (Average, $6,500)
"This Exciting Night" (Para.)
"North of Shanghai" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-50c), 7 days. Stage: Dixie Dunbar & George Givot with Revue. Gross: $13,500. (Average, $13,000)
"Gunga Din" (RKO)
PALACE—(2,500) (35c-55c-75c), 7 days, 2nd week. Stage: Chester Hale Girls & Revue. Gross: $23,200. (Average, $19,000)
"Topper Takes a Trip" (M-G-M)
ROOSEVELT—(1,300) (35c-55c-75c), 7 days. Gross: $9,800. (Average, $11,000)
"Torchy Blane in Chinatown" (W. B.)
STATE-LAKE—(2,700) (25c-35c-40c, 7 days. Stage: Vaudeville Revue. Gross: $11,300. (Average, $12,000)
"Idiot's Delight" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c), 7 days, 2nd week. Gross: $14,200. (Average, $15,000)

'Each Other' at $6,000, Montreal

Montreal, Feb. 26. — "Made for Each Other" made the best showing with $6,000 at the Orpheum.

"The Lady Vanishes," after a seven-week run at the Toronto Eglinton, drew $7,000 to equal par on a double bill at the Princess. "Paris Honeymoon" and "Dark Journey" registered $8,500 at the Capitol, and "Jesse James" took $9,500 at the Palace. Weather was unfavorable.

Estimated takings for the week ending Feb. 18:

"Paris Honeymoon" (Para.)
"Dark Journey" (British)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $8,500. (Average, $9,500)
"Ride a Crooked Mile" (Para.)
LOEW'S — (2,800) (30c-40c-60c) 7 days. Stage: Dave Schooler and Show of Shows. Gross: $7,500. (Average, $8,000)
"Made for Each Other" (U.A.)
ORPHEUM — (919) (25c-35c-50c) 7 days. Gross: $6,000. (Average, $5,000)
"Jesse James" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $9,500. (Average, $11,000)
"The Lady Vanishes" (G.B.)
"Burn 'Em Up O'Connor" (M-G-M)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $7,000. (Average, $7,000)

Dunlap, Carr Arrive For Monogram Meet

Three Monogram executives are scheduled to arrive in New York today. They are Scott R. Dunlap, vice-president in charge of production, and Trem Carr, member of the board of directors, here for the annual meeting of stockholders on Wednesday. Third due to arrive today is George W. Weeks, sales manager, returning to the home office from Florida.

ACADEMY AWARDS RECORD OF SCREEN ACHIEVEMENT

Have Been Industry's Own High Court of Merit in Decade of Film History

"OL" LITTLE OSCAR" is 11 years old.

In the years of his growing up he has crowned as many kings and queens and has knighted numerous others with an accolade of recognition that has resounded from Hollywood and Vine around the world.

The awards of the Academy of Motion Picture Arts and Sciences for distinguished achievement in film creation are part of the history of the industry. And to the chronicles of Hollywood they have added a noteworthy chapter of their own.

The variety and number of awards and certifications given to films and their makers have multiplied greatly in the last decade, but the Academy selections remain the high tribunal and last word. During the 11 years, the Academy competition has recorded and acclaimed the notable progress of the screen art and science, as judged by the workers themselves.

Restricted to Members

When the Academy was formed in May, 1927, by producing workers, actors, directors, writers, technicians and production executives, one of its avowed purposes was to: "Encourage the improvement of the arts and sciences of the profession . . . by Awards of Merit for distinctive achievements."

Voting on the first Awards of Merit, for the 1927-'28 season, was restricted to Academy members, who totaled 358, including 100 actors, 76 directors, 52 producers, 56 technicians, 68 writers and six executives in a special classification.

Douglas Fairbanks, first president of the Academy, appointed the following to the first Awards of Merit committee: Cedric Gibbons, chairman; Sid Grauman, Bess Meredyth, J. Stuart Blackton, Richard Barthelmess, Henry King and David Wark Griffith.

Janet Gaynor for "a distinctive performance" in "Seventh Heaven," "Street Angel" and "Sunrise," and Emil Jannings, for his work in "Way of All Flesh" and "The Last Command," received the first gold statuettes symbolic of the honors.

Borzage Won in 1928

Directing awards that year were won by Frank Borzage and Lewis Milestone, for "Seventh Heaven" and "Two Arabian Nights," respectively.

Paramount-Famous-Lasky Corp. received the first "best picture" accolade, for "Wings," which also won for Roy J. Cameron an award for "engineering achievements."

Fox Film Corp. won a trophy "for the artistic quality" of "Sunrise." A special award went to Charlie Chaplin "for his versatility and genius in writing, directing and producing 'The Circus.'"

There were other first awards, for writing, adaptation and art direction, and two for cinematography. And there were 19 honorable mentions.



Exemplifying the turn of the screen-mute but not inglorious—to the era of sound and speech were first "firsts" to Warners' "The Jazz Singer"—a special award to mark an epoch in film history—and to Joseph W. Farnham as "best title writer." Title writing subsequently was recognized by the Academy as a lost art and forgotten science.

The early awards were chosen upon "careful consideration, judgement and decision by a competent board of judges." The rules, classifications and method of selection have undergone an evolution, enlargement and a broadening through the years. The balloting has been "democratized." This year 12,000 workers, members of the Guilds and creative crafts, had a voice in the selections. For the first time, the voting for the 1937 awards was thrown open to include not only members of the Academy but also non-members with "established qualifications in all branches of production."

Procedure Changed in 1931

Included in the innovations which have become firmly established was a change in procedure, in 1931, whereby the nominations and final selections were by secret ballot. The Academy in that year ruled that "final balloting shall be in sealed envelopes not to be opened until the night of the awards banquet."

Last year the Academy added the Irving G. Thalberg Memorial Award, "for the most consistent and high quality of production achievement by an individual producer." It was won by Darryl F. Zanuck of 20th Century-Fox. A committee of 12 appointed by Frank Capra, Academy president, chose the winner and Douglas Fairbanks, Sr., the Academy's first leader, made the presentation of the trophy, a likeness of the late and well beloved Thalberg himself. This year the sculpture was presented to Hal B. Wallis of Warners.

Third Time for Capra

This was the third time a Frank Capra-directed picture took the award. He won in 1934 with "It Happened One Night" and in 1936 with "Mr. Deeds Goes to Town." It was the second time Spencer Tracy had been honored, a role in "Captains Courageous" having won for him in 1937.

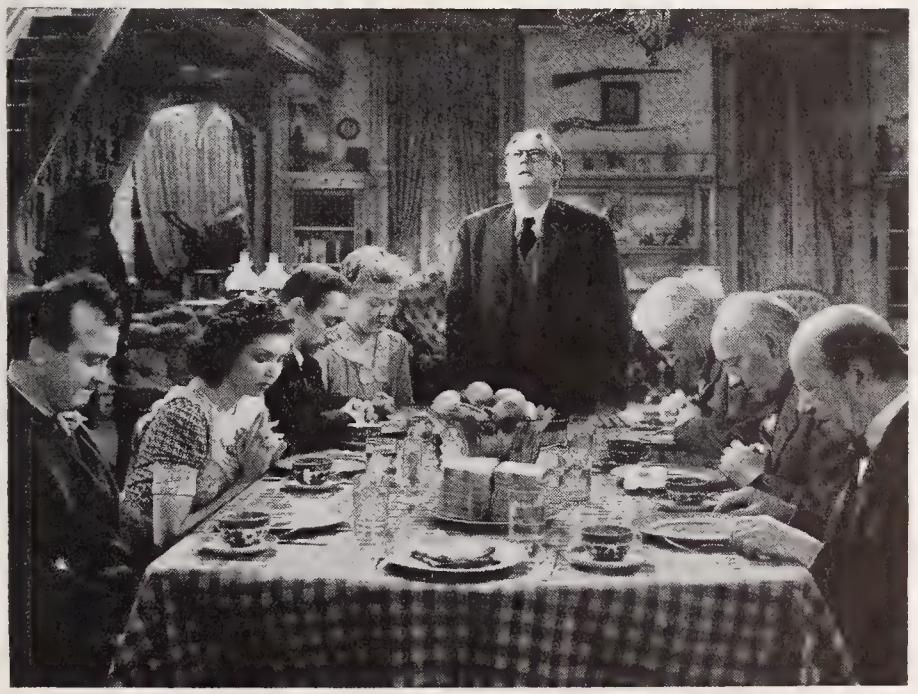
Walt Disney has been honored by the Academy seven successive years. That's a record. He received his first awards in 1932, for the creation of Mickey Mouse and the first color cartoon, "Flowers and Trees." This year it was for "Ferdinand the Bull."

Shirley Temple received a special prize of a miniature statuette in 1934, and last year Edgar Bergen, on behalf of Charlie McCarthy, accepted a wooden "Oscar."

Perhaps the most unusual feature of this year's awards is the one to Bernard Shaw for the best screen play. "Pygmalion" was his initial piece of writing for the screen.

Mr. Shaw, who has always maintained that Hollywood scenarists are office boys, says he is not surprised by the honor conferred on him.

Academy Award: BEST PICTURE



"You Can't Take It With You"—Produced by Columbia, directed by Frank Capra, screenplay by Robert Riskin, based on the stage play by George S. Kaufman and Moss Hart.

Birth of 'Oscar'

Bette Davis, Warner star whose performance in "Jezebel" won for her the Academy Award for the best achievement by an actress during 1938, also has the unique distinction of having —quite unconsciously — given the famed "Oscar" the name he bears.

In 1935 Miss Davis earned the best actress award for her performance in the picture, "Dangerous." Before the accustomed glittering throng she stepped forward at the Awards banquet, accepted her gold statutette, and remarked appraisingly:

"So this is Oscar."

And "Oscar" it has been ever since.



Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

for

BEST PERFORMANCE BY ACTOR

Thanks Again Academy of Motion

Picture Arts and Sciences.

SPENCER TRACY





Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

for

BEST PERFORMANCE BY ACTRESS

I want to express my appreciation to you who liked "Julie."

BETTE DAVIS

Warner Brothers





Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

It is particularly gratifying from within our industry should come recognition of the significance of motion pictures of patriotic import.

On my own behalf and in recognition of the tribute to my co-workers, I am deeply appreciative and above all, I am thankful to America and its principles that makes this possible.

Sincerely,

HARRY M. WARNER

President,

WARNER BROTHERS PICTURES, INC.





Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

for:

BEST TWO REEL SHORT SUBJECT

My appreciation of the two reel short subjects award to Warner Brothers for the "Declaration of Independence" includes a special bow to Bryan Foy, producer; Gordon Hollinghead, associate producer; Crane Wilbur, director; Linton Tedford, who wrote the scripts; and to the cast.

JACK L. WARNER



AWARD ROSTER FOR 11 YEARS

ProductionLeaders Chosen by Ballot Of Their Fellows

Eleven years of preeminence in the world of the motion picture, year by year, in the various phases of activity which go to make up a completed motion picture, are here listed. The awards started in 1928 and with several alterations and additions in classification, have remained virtually the same since the inception. The listing follows.

PRODUCTIONS

"You Can't Take It With You"—1938
"The Life of Emile Zola"—1937
"The Great Ziegfeld"—1936
"Mutiny On the Bounty"—1935
"It Happened One Night"—1934
"Cavalcade"—1933
"Grand Hotel"—1932
"Cimarron"—1931
"All Quiet on the Western Front"—1930
"Broadway Melody"—1929
"Wings"—1928
"Sunrise"—1928

ACTRESSES

Bette Davis—1938
Luise Rainer—1937
Luise Rainer—1936
Bette Davis—1935
Claudette Colbert—1934
Katharine Hepburn—1933
Helen Hayes—1932
Marie Dressler—1931
Norma Shearer—1930
Mary Pickford—1929
Janet Gaynor—1928

ACTRESSES—SUPPORT

Fay Bainter—1938
Alice Brady—1937
Gale Sondergaard—1936

ACTORS

Spencer Tracy—1938
Spencer Tracy—1937
Paul Muni—1936
Victor McLaglen—1935
Clark Gable—1934
Charles Laughton—1933
Fredric March—1932
Lionel Barrymore—1931
George Arliss—1930
Warner Baxter—1929
Emil Jannings—1928

ACTORS—SUPPORT

Walter Brennan—1938
Joseph Schildkraut—1937
Walter Brennan—1936

SHORT SUBJECTS

(*In* 1936 *the awards were reclassified under these headings: Color, Cartoons, Subjects of* 1,000 *to* 3,000 *Feet, Subjects* 1,000 *Feet or Less.*)

1,000 TO 3,000 FEET

"The Declaration of Independence"—1938
"Torture Money"—1937
"The Public Pays"—1936

1,000 FEET OR LESS

"That Mothers Might Live"—1938
"Private Life of the Gannets"—1937
"Bored of Education"—1936

Cartoons

"Ferdinand the Bull"—1938
"The Old Mill"—1937
"Country Cousin"—1936
"Three Little Kittens"—1935

BEST ACTRESS



Bette Davis

"Tortoise and the Hare"—1934
"Three Little Pigs"—1933
"Flowers and Trees"—1932

Color

"Penny Wisdom"—1937
"Give Me Liberty"—1936

Comedies
(*Before* 1936)

"How to Sleep"—1935
"La Cucuaracha"—1934
"So This Is Harris"—1933
"Music Box"—1932

Novelties
(*Before* 1936)

"Wings Over Mt. Everest"—1935
"City of Wax"—1934
"Krakatoa"—1933
"Wrestling Swordfish"—1932

DIRECTORS

Frank Capra—1938
Leo McCarey—1937
Frank Capra—1936
John Ford—1935
Frank Capra—1934
Frank Lloyd—1933
Frank Borzage—1932
Norman Taurog—1931
Lewis Milestone—1930
Frank Lloyd—1929
Lewis Milestone—1928
Frank Borzage—1928

CINEMATOGRAPHERS

Joseph Ruttenberg—1938
Karl Freund—1937
Tony Gaudio—1936
Hal Mohr—1935
Victor Milner—1934
Charles Bryant Lang, Jr.—1933
Lee Garmes—1932
Floyd Crosby—1931
William Vander Meer and Joseph T. Rucker—1930
Clyde De Vinna—1929
Charles Rosher and Karl Struss—1928

ART DIRECTORS

Carl Weyl—1938
Stephen Goosson and Paul Murphy—1937
Richard Day—1936
Richard Day—1935
Cedric Gibbons and Frederic Hope—1934
William S. Darling—1933
Gordon Wiles—1932
Max Ree—1931
Herman Rosse—1930
Cedric Gibbons—1929
William C. Menzies—1928

RECORDINGS

T. T. Moulton (Goldwyn)—1938
United Artists (Goldwyn)—1937
Metro-Goldwyn-Mayer—1936
Metro-Goldwyn-Mayer—1935
Columbia—1934
Paramount—1933
Paramount—1932
Paramount—1931
Metro-Goldwyn-Mayer—1930

ADAPTATIONS

George Bernard Shaw, W. P. Lipscomb, Cecil Lewis and Ian Dalrymple—1938
Norman Reilly Raine, Heinz Herald and Geza Herczeg—1937
Sheridan Gibney and Pierre Collings—1936
Dudley Nichols—1935
Robert Riskin—1934
Sarah Y. Mason and Victor Heerman—1933
Edwin Burke—1932
Howard Estabrook—1931
Benjamin Glazer—1928

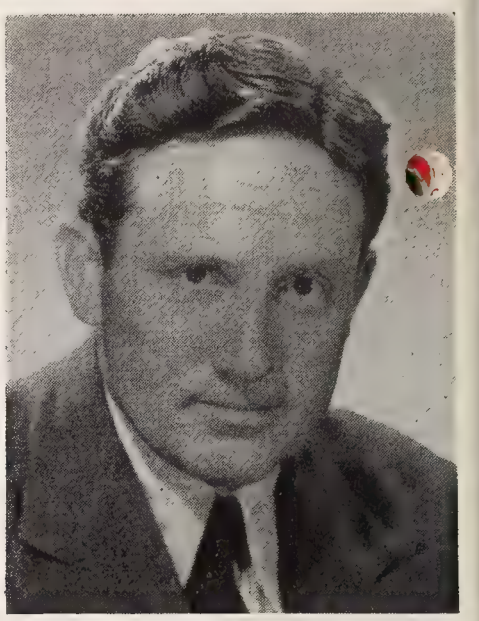
FILM EDITORS

Ralph Dawson—1938
Gene Havlick and Gene Melford—1937
Ralph Dawson—1936
Ralph Dawson—1935
Conrad Nervig—1934

ORIGINALS

Dore Schary and Eleanore Griffin—1938
William A. Wellman and Robert Carson—1937
Sheridan Gibney and Pierre Collings—1936
Charles MacArthur and Ben Hecht—1935
Arthur Caesar—1934
Robert Lord—1933

BEST ACTOR



Spencer Tracy

Frances Marion—1932
John Monk Saunders—1931
Frances Marion—1930
Hans Kraly—1929
Ben Hecht—1928

SONGS

"Thanks for the Memory"—1938
"Sweet Lelanie"—1937
"The Way You Look Tonight"—1936
"Lullaby of Broadway"—1935
"The Continental"—1934

MUSIC SCORING

"Alexander's Ragtime Band"—1938
"One Hundred Men and a Girl"—1937
"Anthony Adverse"—1936
"The Informer"—1935
"One Night of Love"—1934

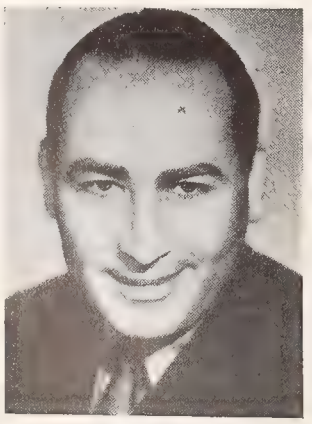
SPECIAL AWARDS

Walt Disney—1938
Harry M. Warner—1938
Deanna Durbin and Mickey Rooney—1938
Mack Sennett, Edgar Bergen's "Charlie McCarthy," Museum of Modern Arts Film Library, W. Howard Greene—1937
March of Time—1936
W. Howard Greene and Hal Rosson—1936
David Wark Griffith—1935
Shirley Temple—1934
Walt Disney—1932
Warner Brothers, Charles Chaplin, Roy Pomeroy—1928

THALBERG PLAQUE

Hal B. Wallis—1938
Darryl F. Zanuck—1937

PRODUCER



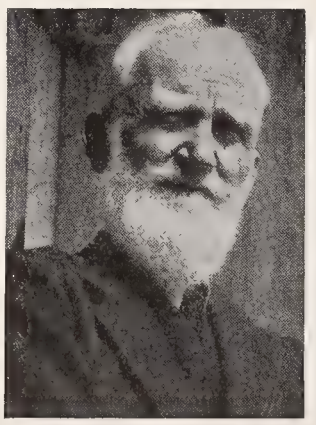
Hal B. Wallis

DIRECTOR



Frank Capra

SCENARIST



George B. Shaw

CARTOONIST



Walt Disney



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for:

IRVING THALBERG MEMORIAL AWARD

FOR THE MOST CONSISTENT HIGH QUALITY OF PRODUCTION DURING THE PRECEDING YEAR

My appreciation to Harry M. Warner, Jack L. Warner, my Associate Producers, Directors, Artists, Writers, Technicians, and others whose splendid efforts are responsible for the tribute bestowed upon me.

HAL B. WALLIS





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for

BEST PERFORMANCE BY SUPPORTING ACTRESS

"Hannah" joins me in thanking you.

FAY BAINTER

Exclusive Representation

SCHULBERG-JAFFE





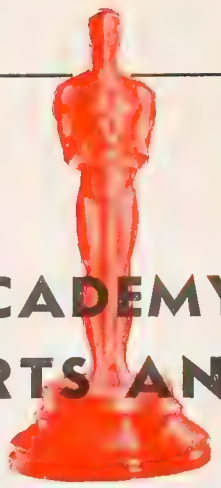
Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

Any award for "PYGMALION" should have been made first to GABRIEL PASCAL, my producer; secondly, to Laurence Irving, his art-director, and thirdly to artists.

G. BERNARD SHAW





Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

ACADEMY WINNERS ON DUPONT FILM

"Best Cinematography"

CONGRATULATIONS to Joseph Ruttenberg and to Metro-Goldwyn-Mayer for this award. "The Great Waltz" was photographed on DuPont Superior Pan.

"Best Sound Recording"

CONGRATULATIONS to T. T. Moulton and to Goldwyn-United Artists for this award. DuPont Film was used for recording the sound of "The Cowboy and the Lady."

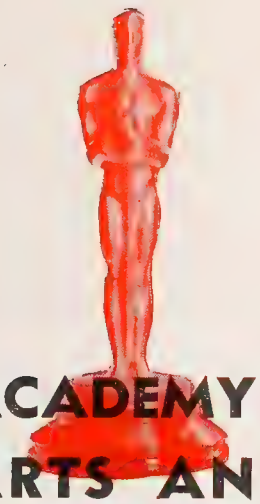
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ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

In Appreciation

for: **BEST ART DIRECTION**

"The Adventures of Robin Hood."

CARL WEYL

---

for: **BEST ORIGINAL SCORE**

"The Adventures of Robin Hood."

LEO FORBSTEIN
and
ERIC WOLFGANG KORNGOLD

---

for: **BEST FILM EDITING**

"The Adventures of Robin Hood."

RALPH DAWSON





Eleventh Annual

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES AWARD

for

BEST ORIGINAL STORY

"Boys Town" Original Story

ELEANORE GRIFFIN

for

BEST ACHIEVEMENT IN CINEMATOGRAPHY

In appreciation for the honor extended to me

JOSEPH RUTTENBERG
A. S. C.

Congratulations

Spencer Tracy

LEO MORRISON



OL.

The
Distinctive Achievement
Of The Year
And Of All Time

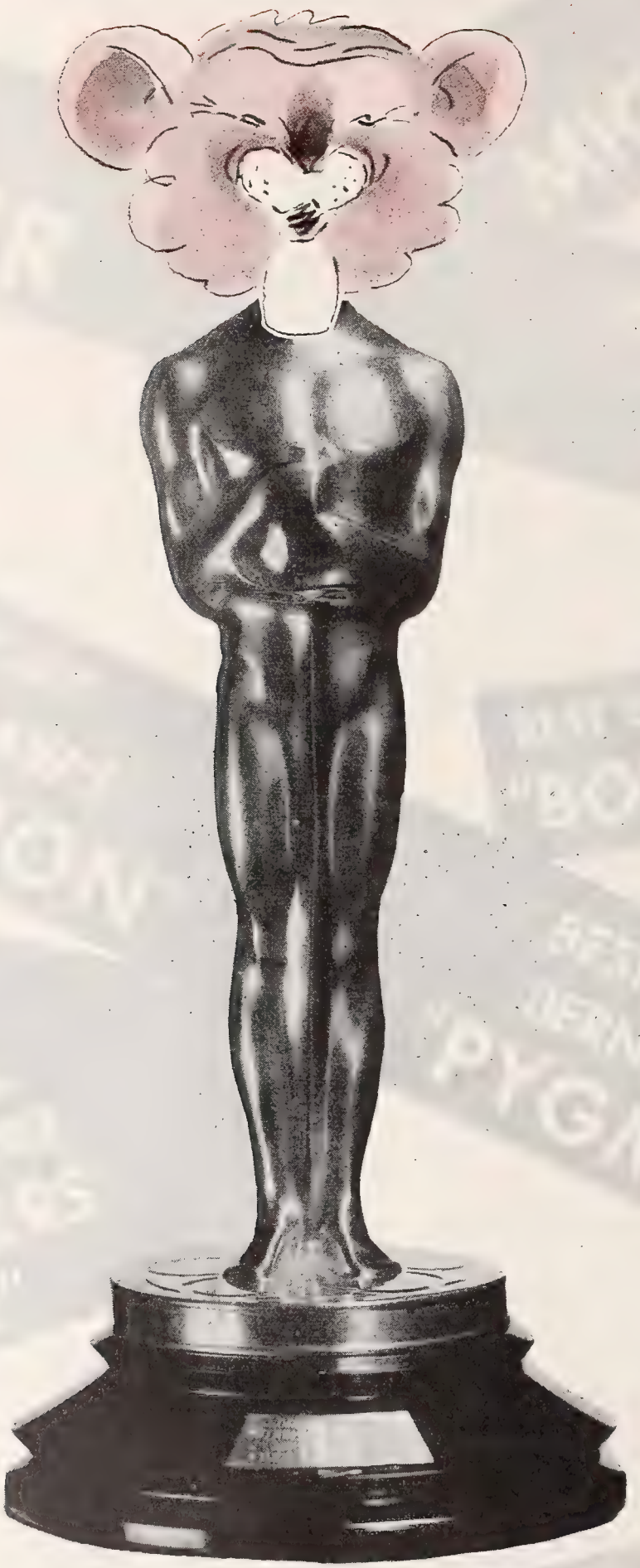
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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 39 NEW YORK, TUESDAY, FEBRUARY 28, 1939 TEN CENTS

Bondy Puts Off His Decision On RKO Plan

Indicates He Will Approve 12 of Directors

Federal Judge William Bondy yesterday at the RKO hearing reserved decision on a formal motion of Col. Hamilton C. Rickaby, attorney for the Atlas Corp., proponent of the plan of reorganization, to finally approve the plan.

At the same time he indicated he would approve all the directors named with the exception of Ferdinand Eberstadt. The court considered an objection to Eberstadt, president of F. Eberstadt & Co., investment bankers, and chairman of the RKO stockholders' protective committee, raised by the independent stockholders' protective committee, based on a contention that he would not satisfactorily represent interests of stockholders.

Bondy adjourned hearings until March 13 with the understanding that suggestions be submitted to him for a fair method of choosing the thirteenth director. Judge Bondy stated that in all likelihood he would approve the plan before March 13 and would overrule certain "technical objections" to confirmation raised by Ernest W. Stirn, holder of Class A stock, and H. Cassell & Co.

Chief objection to the confirmation of the plan was made by Nathan Ros-

(*Continued on page* 5)

Anti-Ascap Measure Is Filed in Kansas

TOPEKA, Kan., Feb. 27.—An anti-Ascap bill has been introduced in the Kansas legislature by Representative Nickell of this city.

The bill is understood to have the support of broadcasters, and is similar to the anti-Ascap measures in other states. It would require filing with the secretary of state a description of each musical composition for which performing rights are to be sold or licensed within the state. The list would give prospective users of such copyrighted material information regarding rights of copyright holders in order to "avoid committing innocent infringements."

No High Court Decision

The U. S. Supreme Court failed to hand down the expected and past-due decisions yesterday on the constitutionality of the Florida and Washington anti-Ascap laws.

To Honor Johnston

Friends and associates of W. Ray Johnston, Monogram president, are arranging a testimonial dinner in honor of his 25th anniversary in the industry. The dinner is scheduled for early in May at the Astor.

Johnston will be guest of honor at the Ampa luncheon at the Astor on Thursday. On the dais with him will be Scott R. Dunlap, vice-president in charge of production, and Trem Carr, production executive.

Warners Withdraw "Devil's Island" on Threat of French

Warner offices were hopeful yesterday that the withdrawal of "Devil's Island" would placate the French Government and that threatened reprisals would not take place. French embassy officials, in the absence of official information that the film had been withdrawn, stated in Washington yesterday that all Warner product would be banned from France for two months.

During the shooting of "Devil's Island" the French Consul in Los Angeles had filed a protest on the subject of the picture. Warners withdrew the film Saturday from Washington and New York. At the Globe, on Broadway, the last minute withdrawal led to some confusion, including a report that "Blackwell's Island" had been rejected by the N. Y. censor.

"Blackwell's Island" was passed by the censors yesterday without cuts or deletions. Due to the sudden withdrawal of "Devil's Island" Albert S. Howson, Warner censorship chief, requested a special screening of "Blackwell's Island." Because of the con-

(*Continued on page* 5)

PACT IMPELLING SALES MEETINGS

Divorcement Bill Is Introduced in Washington House

SEATTLE, Feb. 27.—An affiliated theatre divorce bill has been introduced in the Washington legislature by Representative Cecil A. Gholson of Yakima.

The bill is similar to the North Dakota measure which was repealed recently. Its official title is "An act prohibiting operation of motion picture theatres which are owned or controlled, directly or indirectly, by any film producer or distributor." If enacted, it would affect Warners, which operates three theatres in the state.

It is understood that introduction of the measure had been delayed in anticipation of a ruling by the U. S. Supreme Court on the constitutionality of the North Dakota theatre divorce law, but when that law was repealed it was decided to file the bill at once.

Similar measures are pending in the Nebraska, Kansas and Missouri legislatures.

Nylander Replaced In NLBR Hearings

HOLLYWOOD, Feb. 27.—Aaron Warner, regional director of N.L.R.B. at Denver, arrives here tonight to replace Dr. Towne Nylander, suspended after being charged with statements detrimental to the board's interests. Suspension of Dr. Nylander will not delay various cases affecting motion picture industry scheduled for hearing shortly, it was said today.

W. B., M-G-M, 20th-Fox Lead in Trend to National Parleys

Radical changes in distribution expected because of the impending adoption of a trade practice program have prompted distributors to call national sales conventions this year. Some of them will be weeks earlier than usual.

The trend heretofore has been to small annual sales meetings because of few changes in company sales policies from year to year. Most of the companies last year had regional meetings, with only branch and district managers in attendance at some of them.

Three Already Set

This year's conventions will be held for the entire field staffs. Already set are three national conventions. Warners will be first with a national and Canadian sales conference in New York, March 13 and 14. M-G-M will follow with a conclave in Chicago, March 19 to 21. Twentieth Century-Fox will meet April 3 to 5, also in Chicago.

RKO is planning a national convention in June, to be held in New York.

William F. Rodgers, M-G-M general sales manager, is due to leave for

(*Continued on page* 5)

Pennsylvania Plans Circuit Tax Appeal

HARRISBURG, Pa., Feb. 27.—Attorney General Claude T. Reno of Pennsylvania, has recommended to Gov. Arthur H. James that an appeal be taken to the State Supreme Court from the Dauphin County Court decision recently, declaring the tax on circuit theatres and chain stores of the state, imposed under an act of 1937, to be unconstitutional.

Governor James previously had intimated that, if the Attorney General advised it, he would carry the question through the higher courts so that the status of the act could be finally established.

The levy was graduated from $1 to $500 according to the number of theatres or stores in a group, and was expected to yield the state $1,500,000 a year. The county court decision permanently enjoined the Department of Revenue from collecting the tax. A previous temporary injunction had banned collections pending the outcome of the litigation, except from companies that were not parties to the court action.

Quiz Winners Announced Creates Mild Enthusiasm

Business was only slightly better in neighborhood houses in New York last night when winners in the industry's $250,000 Movie Quiz contest were announced. Campaign headquarters pointed out that it was the first Monday in Lent.

Audience reaction was varied at Broadway first runs. Comments indicated that many thought the winners should not have been notified in advance. Generally applause was polite but apathetic.

There were about 650 prizes in Greater New York, including 240 in Brooklyn. The announcements created only mild interest.

Announcement of winners took place in 7,200 theatres throughout the coun-

(*Continued on page* 5)

Purely Personal

BARNEY BALABAN, Paramount president, was back at his desk yesterday following a month's vacation in Florida. STANTON GRIFFIS, chairman of the executive committee, leaves tomorrow to spend a month in Florida.

•

CHARLES E. MCCARTHY, 20th Century-Fox advertising and publicity director, and RODNEY BUSH, exploitation manager, returned from the coast yesterday.

•

ROY HAINES, Warners' eastern and Canadian sales manager, has left on a trip to the Pittsburgh, Washington and Philadelphia exchanges, which trip follows visits to central exchanges, from which he returned yesterday.

•

HOLLAND ESTILL yesterday joined the 20th Century-Fox advertising department in charge of press book advertising. He succeeds CHRISTY WILBERT, promoted to handle cooperative advertising and theatre contacts.

•

BEN KALMENSON, Warners' southern and western sales manager, returned yesterday from the company's branches in Chicago, Denver and Kansas City.

•

HARRY F. SHAW, Loew-Poli division manager in New Haven, and MRS. SHAW are celebrating their 15th wedding anniversary in New York tomorrow.

•

NORMAN ELSON, Brandt circuit district manager, returned with his wife from a Florida vacation yesterday.

•

JACK SICHELMAN, assistant to HERMAN WOBBER, 20th Century-Fox sales head, returned yesterday from Florida.

•

MAJOR PAUL P. DEVLIN has severed connections with ANDRE DE LAVARRE with whom he produced the "Screen Traveler" series. DEVLIN plans to produce and distribute a new series of travel subjects.

•

GEORGE V. LYNCH, chief film buyer for the Schine circuit, has returned from Florida with his daughter, CAROLINE.

•

P. K. THOMAJAN, recently with the Motion Pictures' Greatest Year drive, has been named copy chief of the Blackstone Co.

•

MIKE ROSENBERG, head of Principal Theatres in Los Angeles, and MRS. ROSENBERG, return today on the *Normandie* from a 24-day South American cruise.

•

JOHN BRAHM, Columbia director, and his wife, DOLLY HAAS, are visiting here.

•

NANCY CARROLL replaces MARTHA SLEEPER in "I Must Love Someone" at the Longacre.

•

EVELYN KOLEMAN, secretary to AL ADAMS at Republic, is back from a Havana vacation.

•

JOHN BARRYMORE and his wife, ELAINE BARRIE, started rehearsals yesterday of "My Dear Children" at the Ethel Barrymore Theatre. The play is scheduled to open in New York late in April after a five-week tour.

•

LEWIS E. GENSLER has acquired the rights to "Saturday Night," play by VICKI BAUM and BENJAMIN GLASER, which he will produce in October.

•

BUDD SCHULBERG and MAURICE RAPF, screen writers on WALTER WANGER'S "Winter Carnival," have returned to the coast after three weeks at Dartmouth gathering material.

•

ELISSA LANDI opened at the Maplewood Theatre, Maplewood, N. J., last night in "Rebellion in Shadow."

•

DON AMECHE is expected in New York next week for a three-week vacation. He recently completed work in "The Story of Alexander Graham Bell" for 20th Century-Fox.

•

SONJA HENIE and her mother arrive today on the *Normandie* from a South American jaunt. Others on board are MARC CONNELLY and LEE, JOHN and MRS. J. J. SHUBERT. MISS HENIE will leave immediately for the 20th Century-Fox studio.

•

DAN CUMMINGS, stage manager at the Paramount, New Haven, is in a Hartford hospital following an auto accident.

•

FRANCOIS DOUBLIER, pioneer camera man, will lecture on "Pioneer Days in the Movies" at the Keynote Forum next Thursday. Original equipment used in the making of early films will be exhibited.

•

LOUIS W. SCHINE, head of the Schine circuit, visited his son, DONALD, at the Worcester Academy, Worcester, Mass.

•

RUTH SCHWERIN of LOU LIFTON'S Monogram publicity staff is in the French Hospital recuperating from an illness.

•

CHARLES OLSON, owner of the Lyric, Indianapolis, is enjoying a 10-week Florida vacation.

Insiders' Outlook

By SAM SHAIN

MIAMI BEACH, Feb. 27.—Nothing can be taken for granted here—not even the weather. There was no sun for three days last week. Miami was as chilly as London in a fog.

Prentiss Gilbert's death, in Berlin, the other day, earned only a tiny inside paragraph in the local newspapers.

Most of the showmen are still here despite the weather.

We ran into John Harris, of Pittsburgh, outside of the Roney Plaza, the other day.

At dinner, the other night, we saw Mr. and Mrs. Barney Balaban, Mr. and Mrs. Edwin L. Weisl, Mr. and Mrs. Leo Spitz, Mr. and Mrs. Herman Wobber, Mr. and Mrs. Albert Warner, Morgan Kaufman, Dan Arnstein and George Seymour. If it were to have happened up north, we'd be getting merger rumors.

An idea of what kind of films some of the independents play around here are: "Unashamed," a nudist film; "Professor Mamlock" and "Motherhood."

▼

Train or plane accommodations homeward-bound are hard to get, unless reserved much in advance. We understand that there is a waiting list of 150 for one train today, and 48 for another. Thanks to George Hoover, who operates the Sheridan for S. A. Lynch, and whose personality pretty clearly outweighs a northerner's influence, we shall be able to entrain for New York this week, instead of in April.

Some of our northern friends went fishing the other day, down in the Everglades. Included in the party were Ed Weisl, Barney Balaban, Leo Spitz, Marty Mullins, Sam Pinanski, Morgan Kaufman, Dan Arnstein and George Seymour.

They returned at night, in time to catch the world premiere of "Cafe Society," at the Sheridan. Mrs. Cornelius Vanderbilt and the Lord Mayor of Portsmouth, England, also were at the opening.

Someone asked one of the fishing party how he enjoyed the fishing, and he replied:

"We spent $50 to go fishing and caught 40 cents worth of fish."

▼

Jesse Block of Block & Sully is here.

On Monday, at the Floridian, Arthur Willi and Ralph Rolan examined more applicants in that RKO-Jesse Lasky-Wrigley radio screen test contest.

We saw our first dog race the other night. It rates less than half a star.

We had the pleasure of guesting aboard the luxurious schooner of Commodore Herman Robbins, the *Jacknjill II,* in Biscayne Bay the other day with Harry Bernstein and other friends aboard and we participated in saving a marooned speedboat belonging to Lou Davis.

Friends up north will be happy to learn that Mrs. Robbins, wife of the commodore, is regaining her health speedily, after several weeks' illness.

Bob O'Donnell, Tom Connors and Joe Vogel are expected here next week. Mrs. Bob O'Donnell is here to meet her husband and is spending the week at Palm Beach.

Schlaifer Expects Attendance Gains

Expectancy of rapid improvement in theatre attendance during the next few months is widespread among western and midwestern exhibitors, L. J. Schlaifer, United Artists' western general sales manager, reported yesterday on his return to the home office from a six-week business tour of his territory.

Schlaifer said that theatre re[illegible] in the key cities visited have been running 15 to 20 per cent below the year ago level. Sickness, which reached epidemic proportions in some sections, has been so widespread this winter that it is one of the leading causes of decreased theatre attendance, Schlaifer said. Severe weather conditions in the midwest and west have also had their effect on the box-office. With these factors eliminated and improvement in general business conditions beginning to be evidenced, exhibitors are confident of an early upturn, he said.

Schlaifer spent some time at the United Artists studio conferring with the company's producers and looking at new product. Among the company's important forthcoming releases are Samuel Goldwyn's "Wuthering Heights," Hal Roach's "It's Spring Again" and Edward Small's "Man in the Iron Mask."

Plans for the company's annual sales meetings have not been set yet.

Robert Gleckler Dies

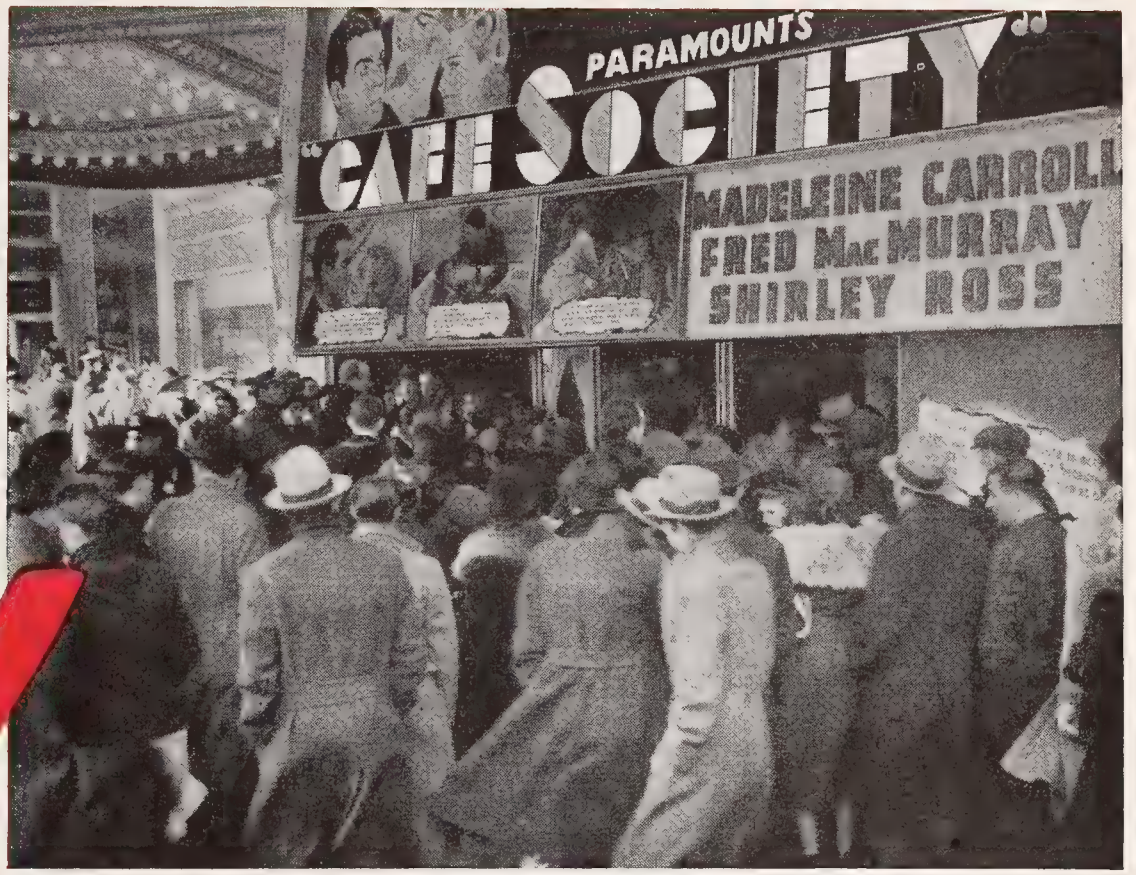
HOLLYWOOD, Feb. 27.—Robert P. Gleckler, veteran actor, died at his home yesterday after a brief illness. Gleckler, who was 52, started on the stage in 1910 and began his screen career in 1928. He had a role in "Gone With the Wind." Gleckler is survived by his widow and three children.

Norma Shearer Better

HOLLYWOOD, Feb. 27.—Condition of Norma Shearer was described by Dr. Joel Pressman, her physician, as considerably improved today. Miss Shearer has been in the hospital since Wednesday suffering from a streptococcus infection of the throat.

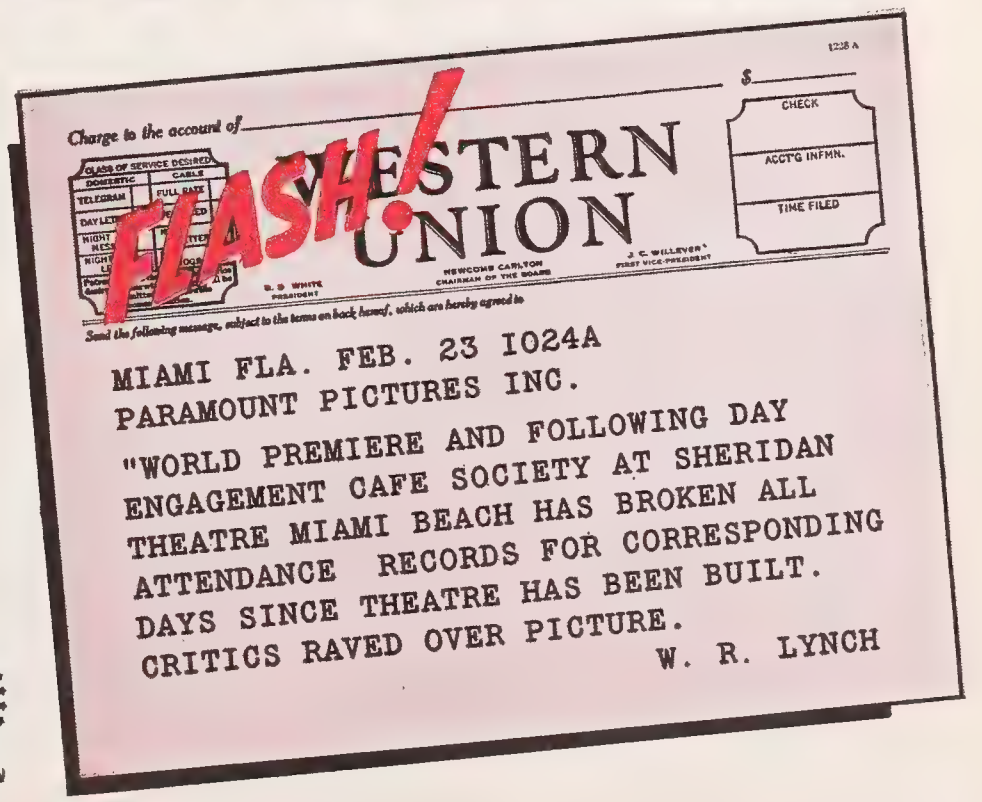
MOTION PICTURE DAILY
(Registered U. S. Patent Office)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

WORLD'S FAIR OPENING?



Scene photographed 8:30 a. m. with temperature 10° above zero.

NO! ... Paramount's "CAFE SOCIETY" breaks Six-Year Record at the New York Paramount Theatre!



Paramount Pictures

One Kansas Censor Bill for Abolition, Other Adds Power

TOPEKA, Kan., Feb. 27.—Two bills introduced in the Kansas legislature deal with censorship. One, by Representative Smith, would do away with the Kansas State Board of Review, and eliminate film censorship from the state entirely.

The other bill increases the powers of the board, and raises fees from $1 per reel, copy or original, as at present, to $25 a reel, copy or original. Introduced by Senator Hackney, it would make films available to municipalities and schools "at the same rate" as sold to theatres, depending on the size of the town and building.

"The persons submitting the same (films) will not require the purchase of any other film being offered or any block booking, but will allow the person who desires to use the said film to buy it independent of any other film," the bill reads. It also gives the board of review power to supervise exhibition and contracts in relation to films it reviews.

High Court to Hear Fairbanks Tax Plea

WASHINGTON, Feb. 27.—U. S. Supreme Court tomorrow will hear arguments in the appeal of Douglas Fairbanks from the Ninth Circuit Court of Appeals decision affirming the contention of the Commissioner of Internal Revenue that refunds made in connection with the redemption of bonds by Elton Corp., to which Fairbanks had transferred all his interests in nine motion pictures, were erroneous.

In his appeal Fairbanks attacked the lower court decision, which held the redemption of bonds to be a sale or exchange of capital assets and the ruling that he must pay income tax on the gain from the redemption at normal and surtax rates instead of the tax rate on net capital gains.

Legion Approves All Of 11 New Pictures

National Legion of Decency approved all of the 11 films reviewed and classified this week. Six were found unobjectionable for general patronage and five unobjectionable for adults. The films and their classifications follow:

Class A-1, Unobjectionable for General Patronage: "The Little Princess," "Let Freedom Ring," "Nancy Drew, Reporter," "Secret Service of the Air," "Society Smugglers" and "You Can't Cheat an Honest Man." Class A-2, Unobjectionable for Adults: "Dark Victory," "King of the Turf," "Saint Strikes Back," "Three Musketeers" and "Wife, Husband and Friend."

RCA Unit Net Up 11%

Net profits of RCA Manufacturing Co. in 1938 were 11 per cent more than in 1937 in spite of a 12 per cent decline in the subsidiary's total sales volume during the year. Revenue from RCA activities in radio communications and patent licensing declined in 1938.

Rogers Enrollment Passes Last Year

Enrollment of independent theatres for Will Rogers National Memorial Week, starting April 20, is ahead of last year, according to Major L. E. Thompson, chairman of the drive. Circuit cooperation is, of course, assured.

Total enrollment for 1938 was 6,019 theatres, of which 3,548 were independents. There were also 2,471 circuit theatres, as follows: Paramount, 1,295; National Theatres, 508; Warners, 441; Loew, 123, and RKO, 104.

Independent theatres enrolled last year, by territories, were: Albany, 80; Atlanta, 75; Boston, 178; Buffalo, 133; Charlotte, 68; Chicago, 120; Cincinnati, 92; Cleveland, 158; Columbus, 12; Dallas, 137; Denver, 84; Des Moines, 24; Detroit, 56; Indianapolis, 78; Jacksonville, 17; Kansas City, 121; Los Angeles, 151; Memphis, 90; Milwaukee, 56; Minneapolis, 60; New Haven, 61; New Orleans, 158; New York, 538; Oklahoma City, 68; Omaha, 25; Philadelphia, 264; Pittsburgh, 171; Portland, 32; St. Louis, 70; Salt Lake City, 35; San Antonio, 20; San Francisco, 159; Seattle, 44; Sioux Falls, two, and Washington, 111.

Aisner to Produce French Films Here

Robert Aisner, French film producer, yesterday disclosed plans to start production here of four films annually. He expects to start his first in about four weeks. His company will be known as Heraut Films.

Paderewski Quits

Ignace Jan Paderewski, 78-year-old Polish pianist, made one film, and that's enough for him, he confided when arriving the other day from France. "I had a not very pleasant experience," he said, while making "Moonlight Sonata." The numerous retakes disturbed him.

Nashville Sees Films First Time on Sunday

NASHVILLE, Feb. 27.—Nashville saw the first Sunday motion pictures in its history last past week-end. The City Council recently approved Sunday films by a vote of 15 to 11.

Gov. Prentice had earlier signed a state bill which allowed films on Sunday in municipalities by vote of a majority of a municipal governing body. Previously Chattanooga and Memphis had circled the state law by having special laws passed in the legislature. A four-fifths majority in the Nashville City Council was heretofore necessary for allowing films in the capital.

Iowa Fight Picture Measure to Senate

DES MOINES, Feb. 27.—House bill that would legalize the showing of prizefight pictures in motion picture theatres has been placed on the Senate calendar with recommendation for passage. The bill repeals three sections of the 1935 code that prohibited the showing of fight pictures in Iowa.

Total of Grosses from 146 Houses Reaches $1,393,100

Major theatre grosses in the key cities of the country aggregated $1,393,100 during the week ending Feb. 16-17, according to the MOTION PICTURE DAILY tabulation.

The total for the week compares with $1,494,600 for the week ending Feb. 9-10, and $1,469,400 for the preceding week. However, the latest tabulation indicates the highest total otherwise since the week ending Jan. 5-6.

The following tabulation shows the week-by-week aggregate of first run theatres in key cities from Sept. 8-9, 1938, to Feb. 16-17, 1939, with the number of theatres included each week, covering the period virtually from the beginning of the current season.

	No. Theatres	*Gross*
Sept. 8- 9	138	$1,572,099
Sept. 15-16	137	1,407,481
Sept. 22-23	138	1,382,059
Sept. 29-30	137	1,398,438
Oct. 6- 7	137	1,519,793
Oct. 13-14	138	1,429,288
Oct. 20-21	138	1,430,924
Oct. 27-28	140	1,394,023
Nov. 3- 4	142	1,353,407
Nov. 10-11	141	1,386,939
Nov. 17-18	143	1,323,918
Nov. 24-25	141	1,283,153
Dec. 1- 2	142	1,461,730
Dec. 8- 9	140	1,275,136
Dec. 15-16	134	1,159,371
Dec. 22-23	139	1,041,911
Dec. 29-30	150	1,562,044
Jan. 5- 6, 1939	151	1,829,822
Jan. 12-13	145	1,372,400
Jan. 19-20	146	1,368,322
Jan. 26-27	145	1,345,715
Feb. 2- 3	147	1,469,400
Feb. 9-10	147	1,494,600
Feb. 16-17	146	1,393,100

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Studios Busy on 47 New Features

HOLLYWOOD, Feb. 27.—Forty-seven pictures were before the cameras this week, as nine pictures were started and six were finished. Fifteen are being prepared, and 68 are being edited.

Started were: "Everything Happens to Anne," Arcadia-Grand National; "Missing Daughters," Columbia; "It's a Wonderful World," M-G-M; "Frontier Express," "Street of [illegible]-ing Men," Republic; "Return of the Cisco Kid," 20th Century-Fox; "The Family Next Door," "Big Town Czar," Universal; "The Man in the Iron Mask," Small.

In addition to these, shooting are: "Plane No. 4," "Blind Alley," Columbia; "Wuthering Heights," Goldwyn; "The Wizard of Oz," "Lucky Night," "Maiden Voyage," "Penthouse," "The Kid from Texas," "Within the Law," "Calling Dr. Kildare," "A Hundred to One," M-G-M; "Sorority House," RKO; "Man of Conquest," "Heroes of the Desert," Republic; "Captain Fury," Roach; "Gone with the Wind," Selznick; "Rose of Washington Square," "Susannah of the Mounties," "Stanley and Livingstone," "Police School," "The Gorilla," 20th Century-Fox; "Three Smart Girls Grow Up," "East Side of Heaven," Universal; "Hell's Kitchen," "Confessions of a Nazi Spy," "Each Dawn I Die," "Nancy Drew, Trouble Shooter," "Family Reunion," "Gantry the Great," "Waterfront," Warners.

Finished were: "Tarzan in Exile," M-G-M; "Fixer Dugan," RKO; "Alexander Graham Bell," "News Is Made at Night," "Charlie Chan in Reno," 20th Century-Fox; "The Roaring Road," Warners.

M-G-M and RKO each are shooting a short subject. M-G-M finished two and Warners one. Four are being prepared and 16 are being edited.

Book Short on Pius XI

Guaranteed Pictures has released a one-reel subject, "Pius XI, Pope of Peace," which has been booked by the entire RKO metropolitan circuit. Three American Cardinals, Cardinal Mundelein, Cardinal Dougherty and Cardinal O'Connell are also seen in the film.

Refuse Theatre Permit

MOBILE, Ala., Feb. 27.—City commission will withdraw a building permit recently issued for a $25,000 theatre in the Government St. vicinity. Property owners insisted the street should be maintained by the city for residences.

Renews Film Franchise

DALLAS, Feb. 27. — Renewing its long-standing franchise with Oscar Micheaux, producer of all-Negro features, Sack Amusement Enterprises will be exclusive distributors of his three new features in the south and west.

Set 'Oklahoma' Dates

Warners' "The Oklahoma Kid" has been scheduled to open in 104 key cities prior to its national release date, March 11. New special release dates include the Strand, New York.

Quiz Announcement Create Mild Interest

(*Continued from page* 1)

try and was limited to houses which contributed to the campaign.

Winner of first prize of $50,000 was Mrs. Elizabeth Benincasa, San Francisco housewife who appeared at the Fox in that city to hear the good news.

Second prize of $25,000 went to Laura Carpenter, 70, of Barberton, Ohio. She was notified at Loew's in Akron.

There was a total of 5,404 prizes. In addition to those mentioned there were two of $10,000, five of $5,000 and five of $2,000, ten of $1,000, 40 of $500, 40 of $250, 300 of $100 and 5,000 of $10.

The contest was part of the industry's $1,000,000 Motion Pictures' Greatest Year campaign. It started Sept. 1 and ended Dec. 31.

Winners were determined by correct answers to 25 questions on films which the contestants were supposed to see and a 50-word essay on the film which they liked best.

Loew's, RKO and other circuits put on special stunts and many had local dignitaries to make the announcements.

Winners were notified by letter two weeks ago by campaign headquarters and told to attend a certain theatre last night. They were not informed of the amount they won. Managers of the theatres also were notified.

Checks will be mailed tomorrow by the Chemical Bank & Trust Co.

Newsreels took pictures of the winners last night with their comments.

Cleveland Fans Cool

CLEVELAND, Feb. 27.—Cleveland fans were cool to $3,520 local awards with usual Monday business account winners notified in advance. Everett Steinbuck, manager of Loew's State, presented E. R. Morrison, machinery salesman, with $1,000 as the biggest Cleveland winner. Mrs. Laura Carpenter, seventy, of Barberton, was presented with $25,000 by Manager Jack Flax at Loew's Akron.

Boston Gets Winners

BOSTON, Feb. 27.—Due to the illness of Gov. Leverett Saltonstall, his Secretary of State Frederic W. Cook, announced tonight the local winners of the $250,000 movie quiz contest. A gathering of the local prize winners was held at the Metropolitan.

Columbia Will Film Life of Alfred Nobel

HOLLYWOOD, Feb. 27.—Columbia is planning to make a film based on the life of Alfred Nobel. Peter Freuchen has been assigned to the task of gathering material for the picture. He is now in Europe interviewing various members of the Nobel family in his search for data on the life of the donor of the international prizes which bear his name.

Alcatraz Is Filmed

HOLLYWOOD, Feb. 27.—First shots of Alcatraz Prison ever taken by a motion picture company will be used in M-G-M's "They All Come Out," four-reel subject based on the federal penal system.

Announce Winners In Canada Houses

Toronto, Feb. 27.—Movie Quiz winners were announced tonight in about 550 theatres in the Dominion.

Unexpected complications arose in several situations. At Port Colborne, Ont., the only theatre, the Strand, was recently destroyed by fire and special arrangements had to be made for the local announcement. At Hamilton, Ont., the name of a theatre had been changed and instructions had to be sent to the bank representative to deliver the list to the renamed house.

Theatres advertised the event well in advance.

Bondy Puts Off His Decision on RKO Plan

(*Continued from page* 1)

enberg, attorney for Cassell, who insisted that Atlas should submit its proposed underwriting agreement for raising $1,500,000 for the new company, before consummation. The Atlas Corp. contended that under the plan an agreement need only be submitted before actual consummation of the plan. Judge Bondy took this question under advisement. John Stover, attorney for Stirn, argued that a formal petition for confirmation was necessary, and also reiterated his general objections to the plan. Judge Bondy particularly praised the choice of W. G. Van Schmus.

Earlier in the hearing the Irving Trust Co. stated that an agreement had been reached with Rockefeller Center whereby the number of shares which the Center would receive had been reduced from 415,000 to 400,000 because of a waiver by RKO of certain claims which it had against the Center.

'Cafe Society' Brings Paramount $55,000

"Cafe Society" is proving a strong attraction at the Paramount and is expected to finish its first week there with $55,000. At Miami Beach, a four-day engagement at the Sheridan attracted an estimated $46,000.

"Pygmalion," in its 12th week at the Astor is continuing to draw. An estimated $13,000 was taken at the box-office in its 11th week. "Grand Illusion" will be held for a 25th week at the Filmarte. "Crisis" will have its world premiere at the 55th St. Playhouse March 13. The Warner circuit in Philadelphia and the Brandt and Skouras circuits in New York have booked "Ballerina."

Study Is Continuing On Trade Pact Draft

Distribution executives continued their consideration of the latest lawyers' draft of the proposed trade practice program at a session at the Astor yesterday afternoon. The meeting lasted more than three hours. William F. Rodgers was chairman.

A delay is apparent in shaping up final details of the program before submission to exhibitor organizations.

Pact Is Impelling Sales Conventions

(*Continued from page* 1)

the studio on Thursday to set the new program with Al Lichtman, vice-president, and others. There had been a possibility that Lichtman would come east, but plans were changed.

Rodgers will go to the Chicago convention from the coast. The conclave will be at the Palmer House. The meeting will open with discussions on the first day between district and branch managers. The general convention will start the second day, Monday, continuing through Tuesday, with home office executives, district and branch heads, salesmen and exploitation representative in attendance. Rodgers will preside.

Four Separate Parleys

Later M-G-M will have separate sectional meetings for office managers, bookers, auditors and checking service staffs. At least four such meetings will be held, with Alan T. Cummings, chief of exchange operations, presiding.

Republic appears to be an exception to the general trend on conventions this year. Because it is deemed advisable to keep sales forces in the field to concentrate on, "The Man of Conquest," Republic's biggest picture to date, there be no national meeting. Regional sessions for franchise holders, branch and district heads and salesmen will be held, probably in New York, Los Angeles, Chicago and New Orleans.

Two Join Time Reel

James L. Wolcott and Alan Brown have been appointed to the staff of the March of Time. Both come from Hollywood posts, Wolcott having been with 20th Century-Fox and Brown at the M-G-M studios.

Starts Shorts Group

Milton Schwarzwald has started production at Eastern Service Studios on a new group of "Nu-Atlas" and "Mentone" musical shorts for RKO and Universal release.

Bruce Made Producer

HOLLYWOOD, Feb. 27. — George Bruce, Edward Small Productions writer, has been made a producer by Small. He will handle the production of "My Son, My Son."

Javal May Seek US Television Talent

LONDON, Feb. 27.—Ian Javal, commercial director of Baird Television, reportedly will conduct preliminary negotiations during his current visit to America for the services of American radio and sports personalities for television programs to be supplied to British theatres.

Among those likely to be contacted by Javal are Bing Crosby, Grace Moore, Eddie Cantor, Rudy Vallee, Benny Goodman and Joe Louis.

Indications are that a definite working agreement between British Broadcasting Corp. and Gaumont British has resulted from the success of last week's television program in three of G. B.'s West End theatres. The arrangement is believed to include an exchange of talent and films for television programs, and is expected to result in reduced costs.

Baird is enlarging its factory and increasing production of sets.

Queried yesterday on the London report, Javal said that the matter of negotiating for American talent for British theatre television programs had been discussed prior to his departure from London but that since his arrival here he had received no authorization to proceed with the assignment. He is awaiting instructions from London before opening negotiations, he said.

Warners Withdraw 'Devil's Island' Film

(*Continued from page* 1)

troversial nature of the film, however, the reviewers declined to grant approval in the absence of Irwin Esmond, director of the board. Upon his return, the seal was granted and it will start at the Globe tomorrow.

On Saturday, "Yes, My Darling Daughter" went into both the Strand and the Globe with both houses doing capacity business. At the Strand, the film grossed an estimated $30,000 in its first three days, and an estimated $6,000 at the Globe. Tenth week of "The Lady Vanishes" at the Globe drew an estimated $7,500.

Shift Trans-Lux Policy

BOSTON, Feb. 27.—Trans-Lux Theatre, which has been featuring newsreels and shorts, has started a policy of first run features, news and shorts.



'Delight' at $44,000 for 2 Hub Houses

BOSTON, Feb. 27.—"Idiot's Delight," coupled with "My Son is a Criminal" at Loew's Orpheum and State took a terrific $44,000, $25,000 and $19,000 respectively.

The third week of "Gunga Din" and the Walt Disney Revue with "The Little Princess" and "Charlie Chan in Honolulu" playing the seventh day took $18,500 at Keith Memorial.

Estimated takings for the week ending Feb. 21-22:

"Gunga Din" (RKO) (6 days)
Disney Revue (RKO) (6 days)
"The Little Princess" (20th-Fox) (1 day)
"Charlie Chan in Honlulu" (20th-Fox) (1 day)
KEITH MEMORIAL — (2,790) (25c-35c-40c-55c) 3rd week. Gross: $18,500. (Average, $13,000)
"Wings of the Navy" (W. B.)
"Ambush" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $12,500)
"Idiot's Delight" (M-G-M)
"My Son Is a Criminal" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $25,000. (Average, $13,000)
"Idiot's Delight" (M-G-M)
"My Son Is a Criminal" (Col.)
LOEW'S STATE — (3,537) (25c-35c-40c-55c) 7 days. Gross: $19,000. (Average, $11,000)
"Jesse James" (20th-Fox)
"While New York Sleeps" (20th-Fox)
PARAMOUNT — (1,790) (25c-35c-40c-55c) 7 days, 2nd run. Gross: $12,000. (Average, $8,500)
"Jesse James" (20th-Fox)
"While New York Sleeps" (20th-Fox)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days, 2nd run. Gross: $7,500. (Average, $4,500)
"Arizona Legion" (RKO)
"Convict's Code" (Mono.)
RKO KEITH BOSTON—(3,200) (20c-30c-40c) 6 days with vaude. Gross: $12,000. (Average, $10,000)
"They Made Me a Criminal" (W. B.)
"Mr. Moto's Last Warning" (20th-Fox)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days, 3rd run. Gross: $7,000. (Average, $5,500)

"Other" Hits $9,000 High in New Haven

NEW HAVEN, Feb. 27.—Second week of "Gunga Din" and "Pardon Our Nerve" at the College took $4,000. "Made for Each Other" and "Strange Case of Dr. Meade" played the Loew-Poli for $9,000.

The Paramount grossed $5,500 with "St. Louis Blues" and "Mr. Wong, Detective."

Estimated takings for the week ending Feb. 24:

"Gunga Din" (RKO)
"Pardon Our Nerve" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $4,000. (Average, $2,500)
"Made for Each Other" (U. A.)
"Strange Case of Dr. Meade" (Col.)
LOEW-POLI—(3,040) (35c-50c) 6½ days. Gross: $9,000. (Average, $8,000)
"St. Louis Blues" (Para.)
"Mr. Wong, Detective" (Mono.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $5,500. (Average, $4,400)
"The Lady Vanishes" (M-G-M)
"The Great Man Votes" (RKO)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $4,100. (Average, $4,700)

Spectrum Gets 'Marne'

Spectrum Pictures Corp., have arranged with Variety Film Distributors to handle distribution in the United States of "Heroes of the Marne." Raimu, leading French film actor, is the star.

Hollywood Previews

"Blondie Meets the Boss"

(Columbia)

HOLLYWOOD, Feb. 27.—ENTERTAINMENT, in capital letters, is the essence of "Blondie Meets the Boss," second of Columbia's features taken from the popular King Features Syndicate comic strip. Seventy-one minutes of unadulterated comedy, the picture at its Hollywood preview evoked more laughs per 90 feet of film than any picture within recent memory. To say that a continual gale of laughter swept the theatre would be merely reporting a fact.

The characters familiar to hundreds of thousands of newspaper readers—"Blondie," (Penny Singleton), "Dagwood," (Arthur Lake), "Baby Dumpling," (Larry Simms), "Daisy," the dog, "Mr. Dithers," (Jonathan Hale),—romp through the substantial story to fashion an offering palatable to all types of patrons.

In addition to the evident exploitable assets of "Blondie Meets the Boss," there is in the story a topical angle—"Dagwood's" accidentally winning a jitterbug contest. The Kay Van Riper-Richard Flournoy story was adapted by Flournoy, and directed by Frank R. Strayer. Robert Sparks was associate producer.

"Dagwood," resigning in a huff because the boss would not give him a vacation, is replaced on the job by "Blondie." He becomes innocently involved in what appears to "Blondie" as a scandal, and domestic strife ensues. However, all is explained to the satisfaction of all, with "Dagwood" unconsciously winning a jitterbug contest and "Blondie" inadvertently ruining a business deal, which turned out for the best.

Running time, 71 minutes. "G."* VANCE KING

"I Was a Convict"

(Republic)

HOLLYWOOD, Feb. 27.—"I Was A Convict" tells a highly imaginative story. The basic plot deals with a criminal's regeneration, but the several counter-plots hung upon it take spectators through a welter of melodrama, romance and comedy. These, instead of accentuating the force and appeal of the basic idea, detract from it.

Convicts Barton MacLane and Horace MacMahon plan to kidnap income tax evader Clarence Kolb after their release from jail and hold him for ransom. To protect their own game, they frustrate a jail break engineered by jail birds Ben Weldon and John Harmon, who have a similar idea. They earn the enmity of them and Kolb's snobbish relatives when he announces that he is going to take them into his business. Only daughter Beverly Roberts looks kindly upon MacLane, who uses gangster tactics to whip recalcitrant customers into line. Comedy and romance have their moments before the return to melodrama. The family plans to put Kolb in a sanitarium, but he is a willing victim to a MacLane-MacMahon "kidnap" plot. However, released convicts Weldon and Harmon stage a real kidnapping, but MacLane foils that to earn Kolb's eternal gratitude, win the girl, become general manager of the business and laugh at the snobs who are exiled out of Kolb's life.

Robert Andrews wrote the original from which Ben Markson and Roberts did the screenplay. Aubrey Scotto directed.

Running time, 63 minutes. "G."* G. McC.

"Mystery Plane"

(Monogram)

HOLLYWOOD, Feb. 27.—"Mystery Plane" is the kind of action picture which exhibitors like. Spectators will see a lot and not have to listen to too much, but everything has significance and is understandable.

Ex-aviator John Trent, Milburn Stone, Marjorie Reynolds, Jason Robards, Peter George Lynn (a promising newcomer), Lucien Littlefield and Polly Ann Young are featured. The production is based on Hal Forrest's widely published cartoon strip, "Tailspin Tommy." Paul Schofield and Joseph West prepared the screenplay and George Waggner's direction succeeds in developing much action.

In the prologue, Tommy Bupp idolizes war-hero and barn-storming plane stunter Lynn and sets him up as his model. Years pass and Trent and Stone have invented a revolutionary electrically controlled bomb releasing device. The test proves successful and in this sequence the sensational three-mile tail spin drop is the thrill feature. Foreign power agents with whom Lynn is associated want the invention and kidnap Trent, Stone and Miss Reynolds in order to force divulgence of the secret. But the trio make an escape via plane and the exciting air chase culminates when Lynn deliberately crashes the pursuing plane.

Running time, 60 minutes. "G."* G. McC.

**"G" denotes general classification.*

'Honolulu' Is Denver's Lead With $11,500

DENVER, Feb. 27.—"Honolulu" on a dual with "Burn 'Em Up O'Connor" at the Orpheum, led with $11,500. "St. Louis Blues" took $7,200 in its second week at the Denham, and "Son Frankenstein" and "Torchy Blane in Chinatown" drew $4,500 at the Paramount.

A sudden cold snap and severe blizzard hurt business to some extent.

Estimated takings for the week ending Feb. 22:

"Tail Spin" (20th-Fox)
ALADDIN—(1,400) (25c-40c) 7 days, 2nd week. Gross: $2,500. (Average, $3,500)
"Gunga Din" (RKO)
BROADWAY—(1,100) (25c-40c) 7 days, 3rd week. Gross: $3,000. (Average, $2,500)
"St. Louis Blues" (Para.)
DENHAM—(1,750) (25c-35c-40c) 7 days, 2nd week. Gross: $7,200. (Average, $6,000)
"Made For Each Other" (U. A.)
DENVER—(2,525) (25c-35c-50c) 7 days. Gross: $8,000. (Average, $8,500)
"Honolulu" (M-G-M)
"Burn 'Em Up O'Conner" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $11,500. (Average, $8,000)
"Son of Frankenstein" (Univ.)
"Torchy Blane in Chinatown" (F. N.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Jesse James" (20th-Fox)
"Crime Takes a Holiday" (Col.)
RIALTO—(878) (25c-40c) 7 days; "Jesse James" 4th week. Gross: $2,500. (Average, $1,750)

'Gunga Din' $16,500 Cincinnati Leader

CINCINNATI, Feb. 27.—"Gunga Din" pulled $16,500 at the RKO Albee for the outstanding gross of the week.

"Huckleberry Finn" had a smash $14,000 at the RKO Palace, and "Four Girls in White" continued strong with $2,750 on a moveover week at the RKO Grand. The weather was the coldest of the winter.

Estimated takings for the week ending Feb. 23-25:

"Gunga Din" (RKO)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $16,500. (Average, $12,000)
"Huckleberry Finn" (M-G-M)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $14,000. (Average, $10,000)
"Pygmalion" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c) 7 days, 2nd week. Gross: $7,900. (Average, $12,000)
"Honolulu" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,700. (Average, $6,500)
"Arizona Wildcat" (20th-Fox)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $2,300. (Average, $6,500)
"Four Girls in White" (M-G-M)
RKO GRAND—(1,200) (30c-40c) 7 days, 2nd week. Gross: $2,750. (Average, $2,750)
"Mr. Moto's Last Warning" (20th-Fox)
"Little Pal" (Monogram)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,200. (Average, $1,400)
"North of Shanghai" (Col.)
"The Headleys at Home" (Big Feature Rights)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $1,000. (Average, $1,050)
"Wings of the Navy" (W. B.)
KEITH'S—(1,500) (30c-40c) 7 days, 2nd week. Gross: $3,400. (Average, $6,500)

Red Cross Net $5,910

Campaign of the Motion Picture Group in the 22nd roll call of the N. Y. Chapter of the American Red Cross raised $5,910, according to final tabulations. W. G. Van Schmus, director of the Music Hall, was chairman of the group.

Loew's to Play National Anthem

Loew circuit nationally falls in line this week by playing the national anthem. Theatres hereafter will open and close with a trailer flashed on the screen including words of "The Star Spangled Banner," also Old Glory waving and a choral rendition of the song. Audiences will be asked to join in the singing.

'U' Studio Talks Due This Weekend

Final conferences on Universal's new season production plans will get under way at the studio this weekend with the arrival there from Honolulu of W. A. Scully, sales head.

F. J. A. McCarthy, eastern sales manager, and W. J. Heineman, western sales manager, are en route to the coast to participate in the discussion. Nate J. Blumberg, Universal president, who returned to New York yesterday after a month at the studio and in Palm Springs, will be in touch with the meeting by telephone. Cliff Work and Matthew J. Fox, studio heads, will participate.

Douglas Fairbanks, Jr., has been signed to star in "The Sun Never Sets," which Rowland V. Lee will produce for the new season's schedule.

Blumberg was enthusiastic on the forthcoming releases, which include "Spirit of Culver," "Three Smart Girls Grow Up" and "East Side of Heaven." "Culver" will have its world premiere in Washington Thursday night, before an audience of high Army, Navy and Government officials. These releases will be supplemented by "The Mikado," and special advertising campaigns are being mapped for all four productions.

Moss Warns of Stage Show in Film House

License Commissioner Paul Moss stresses that film theatres cannot have stage shows without obtaining a special license.

He suspended the license of Skouras' Granada in Corona, L. I., for 24 hours, beginning Saturday midnight, because of an unlicensed stage show. The theatre had scheduled a "jitterburg" dance team, then canceled it for a 12-scene Italian play. Commissioner Moss ruled this a violation.

The Commissioner says that under the law film houses can only present a band, vocal music and lectures and recitations by performers in street clothes. If performers wear costume, a stage license must be obtained. The purpose is to comply with fire prevention requirements, among others.

To Try Band Policy

Flatbush, 1,700-seat house in Brooklyn operated by Brandt Theatres, will inaugurate a band policy about March 17. A "name" band and a few acts of vaudeville will be featured. If this is successful, a similar policy will be installed in four other houses of the same circuit, the Audubon, Windsor, Carlton and Park Lane.

Hollywood Preview

"Spirit of Culver"

(Universal)

HOLLYWOOD, Feb. 27.—Showmen hitching their box-offices to the ascendant star of Americanism-on-the-screen may go as far as they like in advertising "Spirit of Culver" as a film that looks upon patriotism through the eyes of youth and finds it glorious. The youthful eyes principally concerned are those of Jackie Cooper and Freddie Bartholomew, which see the matter differently at first but identically at the finish, and the names of Andy Devine and Henry Hull are also available for marquee use. Culver Military Academy is, of course, the principal scene.

The picture, directed by Joseph Santley from a screenplay by Nathaniel West and Whitney Bolton, opens in 1932 with Cooper an embittered boy of the breadlines. An American Legionnaire, Devine, learns he is the son of an outstanding war hero and obtains for him a Culver scholarship. Gradually Bartholomew, his roommate, and the spirit of Culver convince him there is virtue in patriotism and he becomes popular in the school. Then his supposedly dead father, who believes himself a deserter, returns, the boy learns his identity and runs away from school to be with him. He is overtaken by his comrades and Devine, who brings a War Department order clearing the father of disgrace, in time to return to Culver without penalty and complete his course.

The film is at its best when Cooper and Bartholomew are working out their mutual adjustments. Interest relaxes somewhat during hypermelodramatic treatment of the fatherly angle, then tightens toward the finish. It is strong in juvenile and family appeal and eminently timely.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Each Other' $13,000 Lead in Providence

PROVIDENCE, Feb. 27.—"Gunga Din" business held up to $8,000 in the second week at the RKO-Albee. "Made for Each Other," teamed with "The Lone Wolf Spy Hunt" at Loew's State, led the field, garnering $13,000. Good Washington's Birthday business helped all around.

Estimated takings for the week ending Feb. 22-23:

"Made for Each Other" (U.A.)
"The Lone Wolf Spy Hunt" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $13,000. (Average, $10,000)

"Gunga Din" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days, 2nd week. Gross: $8,000. (Average, $6,000)

"Tail Spin" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,000. (Average, $7,000)

"Ambush" (Para.)
"Woman Doctor" (Para.)
STRAND — (2,100) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $7,000)

"Off the Record" (W.B.)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $6,500. (Average, $6,500)

"Jesse James" (20th-Fox)
CARLTON—(1,526) (25c-35c-50c) 7 days. Extended first-run. Gross: $3,500. (Average, $3,500)

"Convicts Code" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Vaudeville. Gross: $3,200. (Average, $3,000)

French 'Snow White' Coming to US Soon

"Snow White and the Seven Dwarfs," in French, will be released shortly in the U. S. This is the first time an American made film has been brought back and redistributed in a foreign language. Many scenes had to be reanimated in making the French film the title of which in French is "Blanche Neige et les Sept Nains."

'Honest' at $7,500 Indianapolis High

INDIANAPOLIS, Feb. 27.—"You Can't Cheat an Honest Man" gave the Circle a lusty $7,500. "Honolulu" was powerful at Loew's with $8,600. Grosses suffered from the inroads of influenza.

Estimated takings for the week ending Feb. 24:

"The Plainsman" (Para.)
"Waikiki Wedding"
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,500. (Average, $3,000)

"You Can't Cheat An Honest Man" (Univ.)
"Gambling Ship" (Univ.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $7,500. (Average, $4,500)

"Gunga Din" (RKO)
INDIANA—(3,200) (25c-40c) 7 days, 2nd week. Gross: $4,000. (Average, $5,000)

"Honolulu" (M-G-M)
"The Girl Downstairs" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,600. (Average, $7,000)

"Wings of the Navy" (W.B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Happy Felton Orchestra, with Lucienne & Ashour; Dare & Yates; Louise Dunne & Lorraine; Ken Nealy; Marty Snerd. Gross: $7,800. (Average, $8,000)

Harrisburg House Sold

HARRISBURG, Pa., Feb. 27.—The Victoria, one of the oldest film houses here, has been sold by Wilmer & Vincent Theatres and the property will be converted to stores. W. & V. will reopen the recently renovated Rio which has been dark several months. Another W. & V. house, the Colonial, which operates on a firm run policy will be renovated shortly.

Form Supply Company

ATLANTA, Feb. 27.—Paul A. King, formerly of National Carbon Co., and J. Howell, have organized the Capitol City Supply Co., Inc., here.

'Musketeers,' Is $13,000 in Minneapolis

MINNEAPOLIS, Feb. 27.—Major Bowes Revue on the stage, with "The Three Musketeers," gave the Orpheum a strong $13,000. "Honolulu" at the State was runnerup with $7,500. "Gunga Din" in its second week at the Century did $5,500.

In St. Paul, "Gunga Din" at the Paramount came in with $6,500.

Estimated takings for the week ending Feb. 23:

Minneapolis:

"Tom Sawyer, Detective" (Para.)
"Sunset Trail" (Para.)
ASTER — (900) (15c-25c) 7 days. Gross: $1,500. (Average, $1,500)

"Gunga Din" (RKO)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $5,500. (Average, $4,000)

"Persons in Hiding" (Para.)
GOPHER—(990) (25c-40c) 7 days. Gross: $3,800. (Average, $3,000)

"The Three Musketeers" (20th-Fox)
ORPHEUM — (2,900) (35c-55c) 7 days. Stage: Major Bowes Revue. Gross: $13,000. (Average, $4,800)

"Honolulu" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $7,500. (Average, $4,400)

"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days, 6th week. Gross: $1,500. (Average, $1,600)

St. Paul:

"Son of Frankenstein" (Univ.)
ORPHEUM — (2,000) (25c-40c) 7 days. Gross: $4,000. (Average, $3,200)

"Gunga Din" (RKO)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $6,500. (Average, $4,400)

"The Girl Downstairs" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,200. (Average, $2,000)

"King of the Underworld (W.B.)
"Tom Sawyer, Detective" (Para.)
TOWER — (1,000) (25c) 7 days. Gross: $1,600. (Average, $1,600)

"A Man to Remember" (RKO)
WORLD — (400) (25c-35c) 7 days, 2nd week. Gross: $1,600. (Average, $700)

Loew Stockholders Hold Meeting Today

Election of directors is the major business scheduled for the annual meeting of Loew's, Inc. stockholders at 11 A. M. today at the home office.

All directors are scheduled for re-election. They are: George N. Armsby, David Bernstein, Isidor Frey, Leopold Friedman, John R. Hazel, Alexander Lichtman, Charles C. Moskowitz, William A. Parker, J. Robert Rubin, Nicholas M. Schenck, David Warfield and Henry R. Winthrop. Winthrop was elected by the board in January to fill a vacancy.

The directors are scheduled to meet tomorrow to reelect officers.

Patent Suit Charges RCA Trust Violation

Suit for $1,500,000 treble damages for alleged violation of the Sherman Anti-Trust Act, for an accounting for alleged patent infringement and for an injunction has been filed in the U. S. District Court against Radio Corp. of America by the International Carrier Call & Television Corp. Plaintiff claims to be owner of a patent relating to a "two-way intercommunicating system for power circuits," allegedly infringed by RCA.

CBC Plans Building Of 'Listening Groups' With Education Unit

MONTREAL, Feb. 27.—Following the lead of BBC and broadcasting systems in several European countries, the Canadian Broadcasting Corp., shortly will start to promote "Listening Groups" among the radio public of the Dominion.

Working hand in hand with the Canadian Association for Adult Education, CBC is urging its listeners to form themselves into small groups "not exceeding thirty in number," for the purpose of community hearing and studying of suggested programs. Schools, offices, neighborhoods, and associations offer ample opportunity for the formation of a listening group. Such groups should elect a leader and secretary, then register themselves with the CBC.

The leadership of the group, CBC points out, is the keynote of the scheme, and in view of this "the Canadian Association for Adult Education is prepared to offer, this season or next at least, one experimental course of training for listening group leaders. Such a course would require attendance five nights a week for two successive weeks." The education, they point out, would be free and would be accompanied by printed material. At the end of the course successful leaders would receive a certificate.

P & G Plans Sixth Show over CBS Net

Procter & Gamble will place its sixth network program on the air over CBS when a new dramatic script series, "Manhattan Mother," starts on the network March 6. Program will be heard Monday through Friday from 9:15 to 9:30 P. M., over a hookup of 10 stations. It is believed that the network will be greatly enlarged shortly after the inception of the series. Pedlar & Ryan placed the account.

Procter & Gamble programs now on CBS comprise "Rise of the Goldbergs," "Life Can Be Beautiful," "Road of Life," "This Day Is Ours," and the film comment of Jimmy Fidler.

Coleson Radio Head At Coast Exposition

SAN FRANCISCO, Feb. 27.—Robert Coleson, former radio director of the San Diego and Dallas expositions, has been appointed radio program chief at the Golden Gate International Exposition here by Arthur Rowe, supervisor of broadcasting activities.

Named as Coleson's aides are Jack Lyman, formerly of KPO, in charge of all special events, and Jack Joy, formerly of KEHE, Hollywood, as production manager.

Renew Kyser Program

American Tobacco Co. has signed a renewal for 13 more weeks of broadcasting by Kay Kyser on the "Musical School of Knowledge," broadcast Wednesdays from 10 to 11 P. M. on the NBC Red network, plus WHN. Lord & Thomas is the agency. The renewal becomes effective April 5.

Radio Personals

STAN ZUCKER, general manager in Chicago for CRA, back in the Windy City today after a weekend in New York . . . Charlie Barnett's orchestra records for NBC March 2 . . . James O'Neill, former AP writer in New York, now with KYA in San Francisco, on the news staff . . . Paul Whiteman back to New York tomorrow from a three-week road trip, and after making a broadcasting will leave for Texas and a 10-day engagement at the Fort Worth Rodeo. . . . Lou Ruppel, CBS publicity director, left for Chicago yesterday, and will be gone a week.

FCC Ends Plan on Temporary Licenses

WASHINGTON, Feb. 27.—Abandonment of the practice of issuing temporary license renewals to stations against which program complaints are pending was revealed today by the F.C.C. which hereafter will grant regular licenses to such stations, which will be revoked if the charges are substantiated.

The commission explained the change was ordered because of the average of 50 complaints received weekly, 60 per cent are found "frivolous" and 30 per cent insubstantial.

Only about five complaints a week are found to justify investigation and it was felt the stations should not be put on a temporary basis merely because of the receipt of complaints not yet studied.

NAB Seeks Data to Revise Program Code

WASHINGTON, Feb. 27.—National Association of Broadcasters has asked members to send to headquarters a copy of their program code to be used in revising the N. A. B. Code of Ethics.

Neville Miller, N. A. B. president, will appoint a committee, representative of a cross-section of the industry, to study the question of program codes and practices and report to the next N. A. B. convention.

Forms Lecture Bureau

To promote program listening via a speakers' platform. WHN has organized a lecture bureau with speakers to be made available to schools, colleges, clubs and organizations to talk on various phases of radio. The bureau consists of Al Simon, station publicity director, who formerly lectured for Loew theatres; commentators Maurice Dreicer, George Combs, Miles B. Dawson, Henry Gladstone and Charles T. McCarthy.

Goldstein Takes Tavern

Bob Goldstein, radio executive now at WMCA, has purchased a controlling interest in the Tavern, well known Broadway restaurant. Goldstein will operate the restaurant with Paul Harrom, owner of several radio stations, and will continue his duties with WMCA, in addition to operating the Tavern.

Banner LINES

ASKED to tell something about what NBC planned in covering the election of the Pope, Abe Schechter, the network's special events director, replied: "Nothing definite planned, save that we intend to smother CBS."

Forewarned is forearmed, Paul White.

▼

Lever Bros. penalized Burns & Allen recently by cancelling a booking for their appearance on the Lux Radio Theatre, scheduled for last month. But now Lever Bros. have booked the comedy team to work on the Lifebuoy show March 14, when Al Jolson will make his farewell appearance in this show.

▼

Sensing a dramatic story in the fact that not a single newsreel crew showed up at the World's Fair grounds yesterday to shoot the television performance of Amos 'n' Andy, we called the various newsreel houses to ask the explanation for what appeared to be a deliberate boycott. The story collapsed in the investigation, for it developed that the newsreel outfits had been erroniously informed by the World's Fair publicity department that the stunt, which had been washed out on Sunday because of the rain, had been postponed indefinitely.

▼

A beautiful new Steinway was procured for Paderewski for the Sunday concert on the "Magic Key" program. Because of its newness, the piano did not meet with the approval of Paderewski's personal piano tuner, who obtained a hard strip of rubber Sunday morning and proceeded to bang away solidly at every key, shaking the instrument all out of pitch. He then tuned the instrument to his own satisfaction.

▼

In response to one announcement on the air, asking listeners if they'd like to see the revival of "House of Rothschild," Sam Taylor, WHN's film commentator, received more than 400 requests—more than he ever has received for any other picture.

—JACK BANNER

Muni to Be on Air Mar. 5

Paul Muni will make one of his rare radio appearances on the Screen Actors Guild program March 5 in a dramatization titled "Bridge of Mercy," written by Norman Reilly Rainey, author of the "Tugboat Annie" stories. Muni will be supported by Josephine Hutchinson, Lionel Atwell and George Irving. George Cukor will be in charge of the broadcast.

Mrs. Crosley Dies

CINCINNATI, Feb. 27.—Gwendolyn Aiken Crosley, 48, wife of Powell Crosley, Jr., president of the Crosley Corp., operators of WLW, WSAI, W8XAL and W8XNU, died suddenly at Sarasota, Fla., yesterday, while Crosley was en route to the resort city. A son, and a daughter, Mrs. Robert Jennings, whose husband is head of the radio department of the Kastor agency, survive.

IATSE Group Acts To Enjoin Officers

HOLLYWOOD, Feb. 27.—Membership of Technicians Local 37 has been split into two groups, each seeking control. On Saturday James E. Shaw, minority leader, obtained a temporary injunction restraining officers of the local, whom he said had been illegally elected, from spending organization funds except for operating expenses.

Assailing the group led by Jo[illegible] Carpenter, president, and Jeff K[illegible], he sought a receiver, charging that money was being spent without a proper accounting. Kibre has filed charges of company unionism against the I.A.T.S.E. and producers with the N. L. R. B.

New York Allied Will Meet Here Tomorrow

State legislation, film stars' appearances on the air and the trade practice situation will be discussed at a meeting of the local unit of New York Allied at the organization's office in the New Amsterdam Theatre Building tomorrow. The meeting is called for 1 P. M.

In the absence of Max A. Cohen, state president, E. Thornton Kelly, executive secretary, will preside. Kelly returned yesterday from conducting meetings upstate.

A meeting of the Albany Allied unit is scheduled for next Monday. The Buffalo unit will met March 13 and there will be a meeting in Syracuse on March 23.

Price Will Publicize Screen Guild Hearing

HOLLYWOOD, Feb. 27.—Paul Price has been hired by the Screen Writers Guild to handle publicity in its battle with producers over collective bargaining. Nation-wide coverage of events leading up to and during the hearings is planned.

Hearings on the complaints against the studios of Wagner Act violations will get under way on the coast next week before representatives of the N.L.R.B. In its publicity campaign the Guild will stress the fact that many script writers are paid less than technical workers.

Mae West Is on Way East for Deal Talks

HOLLYWOOD, Feb. 27.—Plans for her film company having been held up temporarily, Mae West has left for New York with her business manager, James Timony. They will consider other deals, including personal appearances and possibly a New York World's Fair concession. Miss West has been unable to come to terms for a release deal on her Empire Pictures Corp., which some time ago announced a program of eight pictures a year.

Mrs. Brandt in for Rites

Mary Brandt, widow of Joe Brandt, first president of Columbia Pictures, arrived from the coast yesterday for the funeral services for her late husband. With her were Jerry Brandt, a son, and Lillie Brandt, sister of the deceased. The funeral will take place at the West End Funeral Chapel tomorrow.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 57 NEW YORK, FRIDAY, MARCH 24, 1939 TEN CENTS

Fitts Starts Inquiry Into IATSE Fund

Investigates 2 Per Cent Levy on Studio Local

Los Angeles, March 23.—District Attorney Buron Fitts injected himself into the fight between officers of Studio Technicians Local 37 and I.A.T.S.E. officers today by launching an investigation of the International's recent two per cent assessment against its members which, Fitts said, "definitely smacks of methods employed by eastern racketeers."

Fitts questioned Frank Strickling and John Gatelee, representatives of George Browne, I.A.T.S.E. president, who took over the local last year and, later, questioned Local 37 leaders.

Prosecution May Follow

Afterwards, Fitts said: "I have instructed Russell Parsons, my deputy, to go into the situation thoroughly and, if the evidence warrants, to institute prosecution. Workmen and employes for the last two or three years have complained about this two per cent assessment levied on their salaries as dues. They further allege this entire amount was taken east and no accounting made and, in fact, refused.

"I must say that two per cent assessment definitely smacks of methods employed by eastern racketeers in other industries and businesses. To my mind, it is a gross injustice on men

(*Continued on page 12*)

'Love Affair' at Hall Has $95,000 Week

"Love Affair" finished its first week at the Music Hall with a strong $95,000 and is being held. Second week of "The Little Princess" at the Roxy attracted approximately $33,000. "Hound of the Baskervilles" starts today. "Pygmalion" at the Astor grossed an estimated $10,000 for the 15th week.

"Sergeant Madden" goes into the Capitol today following "Shining Hour," which finished the week with $24,000. "You Can't Get Away With Murder," with Jimmy Dorsey and his band on the stage, starts today at the Strand, replacing "Oklahoma Kid." The latter drew $34,800 in its final week. "Bulldog Drummond's Secret Police" follows the current "I Was a Convict" at the Criterion March 30. "Concentration Camp" at the Waldorf will be held for a second week starting tomorrow.

Czech Trade Treaty Suspended by U. S.

Washington, March 23.—U.S. State Department tonight announced the suspension of the Czech reciprocal trade treaty, to which the motion picture agreement is a supplement.

The action was purely formal, the Administration having last week classified the former Czech areas as German-controlled and goods therefrom as German in origin and not eligible for the concessions formerly given Czecho Slovakia.

NY Allied Asks Reform Drive On Clearance

Syracuse, March 23.—Independent exhibitors in New York state were urged to be vocal in their demand for clearance reforms at a meeting sponsored by New York Allied at the Hotel Syracuse today. Max A. Cohen, president, discussed the Supreme Court's decision in the Interstate (Texas) case and declared it means that "the independent exhibitor has a right to live."

The meeting was attended by representatives of about 100 theatres. H. M. Richey, director of theatre relations for RKO, was a guest speaker and pictured a bright outlook for the

(*Continued on page 6*)

OPEN WAY FOR U.S. RETURN TO ITALY

Ontario Exhibitors To Seek Elimination Of Protection Plan

Toronto, March 23.—A move has been launched among independent exhibitors of Ontario for the total elimination of clearance in feature booking contracts and the replacement of the present "protection" system with a policy of priority rentals governed largely by the geographical location and admission scales of theatres and the availability of prints but without the prescribed periods of time before subsequent bookings. The latter would be scheduled in quick sequence as soon as first release had been arranged.

May Be Given April 4

Intimation has been made that the proposal will be presented at the next regular meeting of the Independent Theatres' Association, which is scheduled to be held in Toronto on April 4, when, it is expected, the formal demands will be outlined and a course of action defined.

Toronto film officials assert that clearance, which has long been an accepted tradition of theatre operation, has proved an expensive function, that it has served to bring financial loss to exhibitors and reduced rental revenue to the exchanges and that it

(*Continued on page 6*)

Kelly Reveals Proposal On Return; Given To E. N. I. C.

By AL FINESTONE

A plan to permit American companies to operate in Italy has been submitted to the E.N.I.C., Italian film monopoly, on behalf of the distributors, it is disclosed by Arthur W. Kelly, vice-president of United Artists in charge of foreign distribution, who returned yesterday on the *Queen Mary* after five months abroad.



Arthur Kelly

There is unrest throughout Europe, he said, and the Hitler steamroller kills off film business wherever it penetrates. However, with the exception of the "crisis week," theatre business in England and France has not been affected appreciably.

The proposal to reopen Italy to American companies, which withdrew Jan. 1, was submitted by an intermediary. It would provide that the distributors do business as before, and that

(*Continued on page 6*)

All But Three Film Bills Die in Albany Committee

Albany, March 23.—Only three bills bearing on the motion picture industry survived the week in the legislature. Among the hundreds killed in the final report of the Assembly standing committee were many that directly affected the film business.

The measures surviving were the Crews' projectionist. In amended form it was set on the Assembly calendar for Tuesday. Another was the Butler bill on admission of children and the third was the Webb measure providing a referendum by villages on Sunday shows.

Among the measures killed were those for regulation of fee-charging employment agencies. However, the Ostertag bill along this line was referred to the Rules Committee and may come up later.

All but one of the many bills imposing restrictions and heavy taxation on outdoor advertising died in committee. The Todd bill is still alive.

Among the tax bills eliminated was that of Assemblyman Bennett calling for a levy on theatre circuits. Anti-discrimination bills of Assemblyman Butler and Giordano also went by the board.

Another important measure dropped in the Senate but which it is believed will be revived is that providing the transfer of theatre ticket agency regulation to the License Commissioner in New York City.

Republic Contracts Above $7,000,000

Republic is showing a profit and has unplayed contracts amounting to more than $7,000,000, H. J. Yates, president of Consolidated Film Industries, told stockholders at their annual meeting yesterday. A year ago at this time the figure was about $6,000,000. He estimated Republic's profit for the first 1939 quarter as $150,000, and said that a profit was shown in the final quarter last year. Unliquidated product totals $4,742,173.

Yates answered many questions concerning Consolidated's investment in Republic, its chief subsidiary, and Consolidated's operations. Lou Atz, Consolidated's auditor, shared the brunt of the questioning. About 50 stockholders were present.

Atz declared that Consolidated's current position is much improved,

(*Continued on page 12*)

A.M.G. and Actors' Guild in Agreement On Licensing Pact

HOLLYWOOD, March 23.—Artists' Managers' Guild and the Screen Actors' Guild have reached a virtual agreement over the S.A.G. plan for licensing talent representatives, with the final point, that of length of the actors' managerial contract, settled.

A compromise effected will limit all agency pacts with actor clients to three years, and the board of directors of the A.M.G. at a meeting last night signified its approval. The A.M.G. had wanted contracts limited to five years' duration, and the S.A.G. members sought a one-year limit.

The master contract between the A.M.G. and S.A.G. will be for five years. This pact is in the process of being drafted in its final form by attorneys for both organizations for approval by the respective memberships. The executive committee of the associate members of the A.M.G. also attended the A.M.G. board meeting and expressed confidence in the negotiations.

Signs Order for UA Bill of Particulars

Federal Judge William Bondy yesterday signed the order directing the Government to file and serve its bill of particulars upon United Artists in its anti-trust suit. United Artists was authorized to serve its answer 20 days after receipt of the bill. The order also provides that if the Government has insufficient information as to any of the items in the bill, it may state so and furnish the information when it obtains it, in no event later than 30 days before trial. The order contained a provision denying United Artists' application to strike out a number of allegations in the complaint.

Federal Judge Samuel Mandelbaum today will hear the Government's application to strike out names of certain of the defendants who have severed connections with the majors and to substitute others. The present motion is confined to individuals connected with Loew's, Inc., United Artists and Paramount. No opposition to the applications is expected.

Lichtman Back from M-G-M Convention

Al Lichtman, M-G-M vice-president, arrived yesterday from Chicago, where he attended the company's sales convention. He will spend some time conferring with Nicholas M. Schenck, president, before returning to the coast.

Sam Eckman, British head; J. A. Gove, sales development manager, and Herb Morgan, shorts publicity head, also arrived from the convention yesterday. William F. Rogers, general sales manager, T. J. Connors and other executives are due tomorrow.

To Address N. H. Union

NEW HAVEN, March 23.—Dr. Morris Rothschild will be the guest speaker at the meeting of Film Exhibit Workers Union, Local B-41, on Monday.

Purely Personal

MAURICE SILVERSTONE is scheduled to leave the coast tomorrow for New York, arriving here Tuesday. CHARLES SCHWARTZ arrives by train today.

•

LYNN FARNOL, United Artists advertising and publicity director, is expected back from the coast by plane this weekend.

•

BELA LUGOSI, here for a short visit, was host to interviewers at the Waldorf yesterday.

•

MATTHEW J. FOX, Universal vice-president, is expected in New York from the studio in the near future for a brief visit.

•

JACK COHN, Columbia vice-president, returns to New York this weekend from a Florida vacation.

•

ABE MONTAGUE, Columbia general sales manager, and RUBE JACKTER, assistant sales manager, return to New York Monday from a sales meeting in New Orleans.

•

JAMES R. GRAINGER, Republic president, accompanied by JACK BELLMAN, eastern sales manager, left yesterday for New Haven and Boston to set theatre dates for "Man of Conquest." They return Monday.

•

CARL HOFF, radio band leader, completed a musical short yesterday at the Vitaphone studio in Brooklyn.

•

TULLIO CARMINATI, stage and screen star, has returned to New York from six weeks in Palm Beach, Havana and Charleston.

•

MR. and MRS. A. H. BLANK of Des Moines have gone to Hot Springs, Ark., for two weeks.

•

MAX ROTH, Republic Midwest district head in Chicago, is on a tour of the Des Moines territory.

SIR ADRIAN BAILLIE, associate of DOUGLAS FAIRBANKS, SR., and LADY BAILLIE, sail on the *Queen Mary* today. Also NOEL COWARD, BELA LUGOSI and WINTHROP W. ALDRICH, board chairman of the Chase National Bank.

•

ROBERT M. GILLHAM, director of advertising and publicity for Paramount, left the coast last night for New York. He plans to return west the first week in April.

•

WILLIAM DIETERLE, Warner director, and MRS. DIETERLE, visiting here, will be weekend guests at Princeton, N. J., of PROF. ALBERT EINSTEIN. They are old friends.

•

VAUGHN GLASER, New York stage actor, has arrived at the Paramount studio for work in "What a Life."

•

ALFRED GUARINI, European scenarist, is at the Paramount studio working on the script of "Madam Mystery," to star ISA MIRANDA.

•

NORMAN MORAY, Vitaphone sales manager, currently touring Warner exchanges, leaves Milwaukee today for Minneapolis and after a brief stay there will visit Des Moines.

•

ERROL FLYNN terminates an eastern and southern vacation this week when he returns to the studios for work in "The Knight and the Lady" for Warner Bros.

•

JEAN BERLINER of Grand National in New Haven is recovering after an operation.

•

MEL HEYMANN of M-G-M's publicity department is due Monday from a Florida vacation.

•

BEN SCHWALB, producer and director of Columbia shorts, has resigned. He plans to vacation for several months.

Markey's Mother Dies

HOLLYWOOD, March 23.—Mrs. Eugene L. Markey, mother of Gene Markey, 20th Century-Fox associate producer, died at her Beverly Hills home today.

Para. Signs Colman

HOLLYWOOD, March 23.—Paramount today signed Ronald Colman to star in "The Light That Failed." W. A. Wellman will produce and direct.

The Newsreel Parade

New York and San Francisco fairs, White House staff being fingerprinted and events current in Europe are highlights of the newsreel. The reels and their contents follow:

MOVIETONE NEWS, No. 56—Rodeo. Mrs. Roosevelt at Frisco exposition. Calf in Colorado mountains. Coast police use cameras to detect traffic violators. Douglas named to Supreme Court. English royalty attends wedding. Royal wedding in Egypt. Protect English gateway. Hat fashions. Army bombers in California. Ice hockey. Notre Dame in training. Boys boxing. Boat racing.

NEWS OF THE DAY, No. 254—War line in France. Paris and London prepare for gas attacks. Rodeo. Tidal wave in France. Easter hats. Pancake parade in England. Douglas at home. Football training. Children's boxing bouts.

PARAMOUNT NEWS, No. 67—Carnera weds in Italy. Stop Hitler alliance urged. New York fair. Mrs. Roosevelt at coast exposition. Murder trial in France. Rangers vs. Bruins hockey. Football. Boy boxer loses pants.

RKO PATHE NEWS, No. 71—Mrs. Roosevelt visits San Francisco fair. Fingerprint White House employes. Last rites for Javanese sultan. "If I Had a Chance" radio program. Parisians prepare for war. Juvenile boxing matches. Australian police carnival. Hockey playoffs.

UNIVERSAL NEWSREEL, No. 756—White House staff is fingerprinted. Army maneuvers. Cops use cameras to prove charges. Electric carillon in New York. Chicago art show. Spring hat fashions. Hockey. Football, Speed boat regatta. Motor cycles climb hill. Children's boxing tournament.

Benefit Arranged For Yeshiva School

W. G. Van Schmus, managing director of the Music Hall, as chairman of the dinner committee, has set the program for the dinner to be given by the Motion Picture Industries on April 2 at the Hotel Astor to raise a scholarship fund for refugee students at Yeshiva College.

Speakers will include James Roosevelt, Louis Nizer, Dr. Nelson P. Mead, president of the College of the City of New York, and Dr. Bernard Revel, president of Yeshiva College. The dinner represents the first effort of the film industry to aid the college.

Members of the sponsoring committee for the dinner include: Neil Agnew, Jack Alicoate, Jack Cohn, Ned E. Depinet, Maurice Kann, Sidney R. Kent, Abe Montague, Charles C. Moskowitz, Louis Nizer, John J. O'Connor, Martin Quigley, William F. Rodgers, J. Robert Rubin, George J. Schaefer, Gradwell L. Sears, Murray Silverstone, George P. Skouras, Spyros Skouras.

Vedis Is Formed to Handle French Films

Bareud Broekman, president of Vedis Films of France, in conjunction with B. J. Gottlieb, has formed Vedis Films, Inc., with offices in the RKO Building.

Broekman is the producer of the musical, "Three Waltzes" with Yvonne Printemps and Pierre Fresnay, which will be distributed in the United States by Vedis. In addition, Vedis will distribute "Alert in the Mediterranean" with Pierre Fresnay, which was awarded the grand prize of the French industry as the best picture of 1938; "Women's Prisons," with Viviane Romance, and "Quadrille," with Sacha Guitry.

Plan 'Kiddie Musical'

Warners plan to make another "kiddie musical" this year, with the cast selected in auditions of talented youngsters. A group of more than 100 New England children were auditioned recently at the Vitaphone studio in Brooklyn. Two of the group were chosen.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1; cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

SELLING FACTS about "I'M FROM MISSOURI" for showmen who are "show-me men".....



Paramount Pictures

turn please →

It's a FACT about Paramount's

"I'M FROM MISSOURI"

Bob never was better! Daily Variety puts it this way: "Homespun stuff done to order for Bob Burns' brand of drollery . . . one of Bob's best roles". . . and Hollywood Reporter backs it up with: "Burns clinches star niche!"

It's a FACT about Paramount's

"I'M FROM MISSOURI"

Bob never had such all-star support! "Gladys George does an excellent job . . . Gene Lockhart delivers his customarily sound performance . . . Judith Barrett and William Henry carry off the romance neatly. . . Patricia Morison expert . . . E. E. Clive a standout . . . Melville Cooper superb"—just a few of the quotes from the trade critics!

It's a FACT about Paramount's

"I'M FROM MISSOURI"

Bob never had a better story! "The picture itself will head into good business, for it has plenty of production values and enough humor to win laughs from the average crowd. The screenplay by John C. Moffitt and Duke Atteberry is a sound job . . . and the dialog is meatily humorous," says Hollywood Reporter . . . and Daily Variety contributes: "Theodore Reed's direction vigorously drives the story along and resourcefully promotes the entertainment values adapted from the stories by Homer Croy and Julian Street. Cast is inspired to its best efforts."

and here's the BIGGEST FACT of ALL!



Paramount has a hit picture in 'I'm From Missouri', a picture which should prove to be an audience-pleaser in metropolitan and rural communities alike!"
—*Kansas City Journal*

"The best comedy that Bob Burns has made . . . an 'audience picture' . . . definitely hilarious!" —*Kansas City Star*

a FACT to remember . . . If a critical home town audience such as that in Kansas City okays "I'm From Missouri" as being the box office McCoy . . . you can bet your bottom dollar your audiences will do the same. But, another thing to remember, the K.C. boys got behind "I'm From Missouri" with a really ace exploitation campaign.

"I'M FROM MISSOURI" CAN BE AS BIG AS YOU MAKE IT. . .

Hearing on S.W.G. Charges Put Off to Monday After Clash

HOLLYWOOD, March 23.—Hearing on the Screen Writers' Guild charges of Wagner Act violation by producers was put over until Monday by Trial Examiner James Batten after a clash today.

The clash started when Leonard S. Janofsky, Guild counsel, said that hope of agreement had faded entirely due to the producers' attitude.

Homer Mitchell, attorney for the producers, declared that they felt an agreement could be arrived at and asked for additional time.

Points of Disagreement

Enlarging on the points of disagreement between the Guild and producers, Charles Brackett, head of the S.W.G. negotiators, said the producers had offered a straight ten-year bargaining agreement without opportunity for revisions. The Guild had demanded a pact tenure of three years with option of continuing for six months after that, he said.

According to Brackett the producers offered a 70 per cent Guild shop for the first two years of the contract and 80 per cent for the next eight years. The Guild, he said, had asked a straight 80 per cent Guild shop for the life of the pact.

Another major point of disagreement, Brackett said, was the Guild's insistence that writers while off salary should be completely free to write and own their material. Producers flatly refused to grant this concession, he said.

Points of Agreement

Points on which both sides were agreed, according to Brackett, were:

Vacations with pay for writers making $150 weekly or less. Setting arbitration and conciliation machinery as to the contract and as to relations of the individual writer to the producer. Complete jurisdiction by S.W.G. of credit disputes with producers having the right to submit an original draft of credit setups. Promise of producers not to make a wide salary cut without getting consent of S.W.G. Two-week limit on minimum layoff period for contract writers.

The following S.W.G. committee was named to investigate the possibility of labor affiliation: Julius Epstein, Melville Baker, Robert Rossen, Frances Goodrich and Leonard Janofsky, guild attorney.

Majors Facing New Chicago Trust Suit

CHICAGO, March 23.—Another suit charging restraint of trade, monopoly and asking treble damages was filed in federal court here today, and assigned to Judge Wilkerson, against eight major film companies, Balaban & Katz and Sam Myers Theatres. The suit was filed by Frank Ford, operator of the Stadium in Evanston, through attorneys Jacobson, Merrick, Nierman and Silbert. Plaintiffs demand a jury trial. Clearance system, block booking, admission prices and double features cause a loss of $1,000 weekly, the Ford complaint states. The defendants have twenty days to answer after being served.

Way Opened for Return Of U. S. Films to Italy

(*Continued from page* 1)

they pay a license fee to the monopoly. The fee would be based on a percentage of the gross or a flat sum per year. It would be large and probably take the place of the increase in credits which accumulate in Italy because of the currency embargo.

As the currency situation improves in favor of Italy, the yearly fee would be gradually reduced. The amount of the reduction would be gauged by the foreign exchange situation, on a yardstick which would be determined by the amount of exchange available. The amount of the reduction probably would be set by the banks.

Balance Would Be Clear

This arrangement would permit the companies to take out a large part of their current revenues, probably 50 per cent, which would be free and clear of all restrictions. The currency restriction now is greater.

None of the American companies are operating in Italy, Kelly said. The majority have dismissed their staffs but some are still functioning for liquidation of paper.

While in Paris, Kelly discussed the situation with E.N.I.C. officials, who were en route to Berlin to buy product. They made no overtures, but stated their belief that the American companies fail to understand Italian economic conditions which led to the monopoly. The E.N.I.C. attitude is that Italy's move was not intended to deprive the Americans of their business but that the rising bank balances must be controlled because of the lack of exchange. However, they are not willing to pay the American companies what their films would normally earn, but made offers equivalent to about half of the potential profits.

To Reopen Spain's Market

Italians may take over film distribution in Spain. An Italian group is there now attempting to set up a distributing organization which would include American product.

The Spanish people believe the Civil War will end in three months. This market will be open to American distributors. Since the outbreak of the war almost three years ago, only one company has sent new films into Spain, the others reissuing product they had on hand at the start of hostilities.

The Loyalist Government has controlled film distribution, even to the extent of rental percentages, while the Franco territory has been open. While some production will be resumed in Spain, American product will be needed to complete requirements. Distributors may anticipate good business, unless the country comes entirely within the Rome-Berlin axis, Kelly indicated. Offices have been maintained in Madrid and Barcelona during the war, but there is a complete embargo on currency.

In Germany and the Baltic countries of Lithuania, Estonia and Latvia, while American films are permitted, a majority must be German. Norway also takes a percentage of German films.

Kelly went from here to South Africa, then to England and covered the Continent by plane. In South Africa, U. A. has an understanding with 20th Century-Fox whereby both companies will supply product to a group of independent theatres in opposition to Consolidated (Schlesinger). There are about 10 theatres in suburban Johannesburg now being serviced. Other theatres in key situations have been built and are planned with local capital.

French Costs Up

French production is still booming, but costs have risen greatly. Because of their success, players are demanding increases, and no picture now costs less than 3,000,000 francs and some as much as 5,000,000. Stars demand 500,000 or 600,000 a picture.

It is Kelly's belief that an increase in the British quota, as demanded by the labor groups, will not solve the unemployment situation. Producers will continue to make a limited number of big-budget films rather than many cheap ones. The Government, he said, does not want the "quickies" to return.

"D and P" is the name of the holding company which is operating the Denham and Pinewood studios in London, under the joint managing directorship of Capt. Richard Norton. Following the policy in effect at French studios and independent studios here, the producers can get studio credits, up to 25 per cent.

Alexander Korda Productions has just finished "Four Feathers" and has set the premiere for April 18 at the Odeon. It is set for delivery here in August. Others are "Over the Moon," with Merle Oberon, to be delivered here in September or October; and four for 1939-'40, including "Thief of Bagdad," another Merle Oberon, Kipling's "Jungle Book," then "Lawrence of Arabia," which will be costly. There is a possibility that this picture may be deferred for a while.

Crites Patent Trial On

Trial started yesterday before Federal Judge Mortimer W. Byers in the patent infringement suit brought by Virgil C. Crites against Warner Bros. Pictures, Inc., Albert A. Radtke, Leonard Day, Thomas J. Martin, Radtke Patents Corp. and United Research Corp. Suit charges infringement of a patent providing "methods of and means for optically recording and reproducing sound." An injunction and accounting of profits are sought.

Canada's Film Board Measure Advanced

OTTAWA, March 23.—The measure to create a National Film Board passed a second reading in the Senate and was referred to committee. Under the bills several Government departments will be consolidated. As the measure stands there would be only one salaried official in an eight-man board. The others would be given traveling expenses and allowance would be made for temporary employes when films are in production.

N.Y. Allied Urges Reform Campaign Against Clearance

(*Continued from page* 1)

industry if exhibitors settle their differences with the distributors.

Cohen said that the independent exhibitors can exert influence to end unfair practices, and that his organization has fought to keep the trade practice negotiations alive so that disputes need not be settled by expensive litigation.

Richey, in his talk, said: "If the time comes when the cancer of chaos, which seems to be eating at other departments of the industry, finally touches Hollywood and the production branch, exhibitors, whether independent or not, will face a situation that will make problems of 'what is proper clearance,' 'how many can be sold in a block,' 'who is going to do it to who,' etc., seem like a harmless skin rash."

He declared the distributors want adjustments speedily made in industry relations, and that "if the rank and file of exhibitors could become sufficiently vocal, these reforms would be put into effect immediately."

Richey said he is convinced there must be clearance and that "the average exhibitor," must realize that the problem is his as well as the distributors'. He urged a scientific study of the controlling factors justifying clearance, either through an impartial survey or through the activities of arbitration or zoning and clearance boards.

Cohen urged defeat of the Crews bill requiring two men in a booth.

Committees headed by Mitchell Conery, Ravena; Rapley P. Merriman, Syracuse, and H. Lorence, Buffalo, were appointed to aid in plans for the annual convention to be held at the Hotel Astor, New York, May 23 to 25.

Ontario Battle on Clearance Is Begun

(*Continued from page* 1)

is a general detriment to the business as a whole. The claim has been made that clearance is much to blame for the fact that, although the number of theatres in Canada has increased from 800 to 1,300 since 1930, the receipts of film exchanges have dropped from $9,000,000 to $7,500,000 per year in the same interval, the average annual film rental per theatre having dropped from approximately $11,500 in 1930 to $5,000 in 1938.

One trade executive declared that some exhibitors were paying more for score charge alone in 1930 than they can afford to pay now for score and rental charges combined, because film programs are stale before they can book them. The waste in studio advertising and first run exploitation because of the delay in subsequent runs is regarded as an important economic factor in that the loss of publicity for neighborhood engagements weeks and months later counts as a failure gainst the film business as a whole in which circuits, independents and exchanges all suffer eventually.

Independent exhibitors are organizing to lay their claims before the Moving Picture Branch of the Board of Trade for a reconsideration of the entire clearance structure.

Film Cases Facing Delay; Arnold Fund Request to Senate

WASHINGTON, March 23.—Refusal of the House Appropriations Committee to approve an immediate additional fund of $70,000 for expansion of the anti-trust division of the Department of Justice will be countered by an appeal by Assistant Attorney General Thurman Arnold to the Senate Appropriations Committee when the deficiency bill including the item reaches the upper house, it was disclosed here tonight.

Much of the money which the department seeks would be devoted to immediate initiation of about 10 film cases which already have been blocked out.

In his testimony before the House Appropriations Committee, Arnold explained that the 10 film cases, a suit involving shoe machinery and certain other prosecutions have been planned by the department for institution as soon as necessary additions to the staff can be made. He did not give the committee any details of the motion picture situation, other than to say he thought the cases should be undertaken at once.

If the additional funds are not provided now, the inauguration of the expanded anti-trust drive will be delayed until after July 1, when the appropriation for the coming fiscal year becomes available. That appropriation—the department has asked for $1,530,000 as compared with $780,060 for the current year—has yet to run the gamut of the appropriation committees of House and Senate, which are committed to a policy of economy which so far has resulted in several million dollars being lopped off every money bill presented. Indications are that, while the anti-trust division will be given an increased fund, the additional money may not be as much as Arnold requests.

Jubilesta in K. C. Is Dropped This Year

KANSAS CITY, March 23.—Jubilesta, eight-day Municipal Auditorium show held each fall for the last three years, will not be held in 1939, the executive committee of the Jubilesta has decided. While the committee gave as cause for its action the scarcity of talent due to the two World's Fairs, a deficit in the big show the last two years probably had something to do with it. The show gave exhibitors serious competition.

Saving Time in Toronto

TORONTO, March 23.—Toronto City Council has adopted Daylight saving this year from April 30 to Sept. 24, the period being one week less than in 1938. Announcement was made that 86 cities and towns of Ontario and Quebec will observe Daylight Saving for varying periods, ranging from nine to 22 weeks.

William Elliott Dies

DETROIT, March 23.—William M. Elliott, 63, manager of the Palms State Theatre here, died in Harper Hospital following a brief illness. Funeral will be in Indianapolis.

Nazi Moves Cause Newsreel Problem

All eyes are on Hitler in the present European situation, and since no one knows what he will do next, the newsreel coverage situation presents a problem, declared Sir Gordon Craig, head of British Movietone News, on arriving yesterday on the *Queen Mary*.

He said, however, that Movietone News in England and Europe generally is prepared for any eventuality.

Sir Gordon will remain three or four weeks and attend the 20th Century-Fox sales convention in Chicago, starting March 30. This is his first trip here in 10 years.

He will discuss plans with Truman H. Talley, Movietone chief, who returned yesterday from a two-week vacation in Florida. The newsreel will hold staff meetings in conjunction with the 20th Century-Fox conventions in Paris and London in May.

R. Sutton Dawes, 20th Century-Fox sales manager in the United Kingdom, also arrived. He will discuss new season's plans with Walter J. Hutchinson, director of foreign distribution, and attend the Chicago convention.

Allocate Film Funds Of Agriculture Dept.

WASHINGTON, March 23.—Motion picture activities of the Department of Agriculture during the coming fiscal year were financed today by the House Appropriations Committee, in reporting the Agricultural Supply bill for 1940.

The extension service of the department was given $79,000 for motion pictures, the same as for the current year. The fund, however, is used for films of educational value to farmers and not for propaganda purposes, thus escaping the criticism that has been leveled at motion picture activities of other agencies.

Urge Dropping of Mo. Liability Bill

JEFFERSON CITY, March 23.—A measure introduced a week ago by Representative Donnelly in the Missouri House, which relieved the owner of a broadcasting station of liability for defamatory statements made by political candidates, has been recommended to be dropped by the legislature's revision committee.

Fight Bingo in Texas

GALVESTON, Texas, March 23.—Closing of Bingo games along the Galveston beach front has been asked of law enforcement officers by the Galveston Ministerial Association, in letters sent by the Rev. Burton Riddle, chairman of its committee on law and order. Officers were reminded such games are in violation of the law. In addition to the protest against Bingo, Sheriff Biaggne stated he had been receiving letters urging him to close film houses on Sundays.

Block to Warners

KANSAS CITY, March 23.—Ernest Block, Universal salesman here several years, has gone with Warners in the Omaha territory.

U.A. to Open Branch Office in Netherlands

By PHILIP de SCHAAP

AMSTERDAM, March 23.—Alex Zomerplaag, former manager of Tobis Film here, has been named United Artists manager in Holland. Up to now, U. A. distribution has been handled by Loet C. Barnstijn at the Hague, who represented the company for many years. Before the U. A. office opens, however, arrangements must be made with the Dutch Motion Picture Federation, with which negotiations are in progress. H. Daudey has replaced Zomerplaag in the Tobis post.

A new board of the federation has been established, including distributors and exhibitors. A. Hamburger, president of the federation, and C. S. Roem, vice-president, represent the managing board of the general federation, and A. de Hoop is secretary.

J. Kroonenberg, one of the veterans of the business in Holland, and manager of Universal's agency here, has celebrated his 25th year in the industry.

The biggest hit of recent months in Amsterdam has been "Boys Town," in its ninth week at the Corso Theatre.

A six-year exhibition fight in the town of Tegelen has ended. Six years ago the Scala was closed in protest when the municipality refused to permit children below the age of 18. Only now have negotiations been satisfactorily concluded between the Dutch M. P. Federation and town authorities, and the theatre reopened.

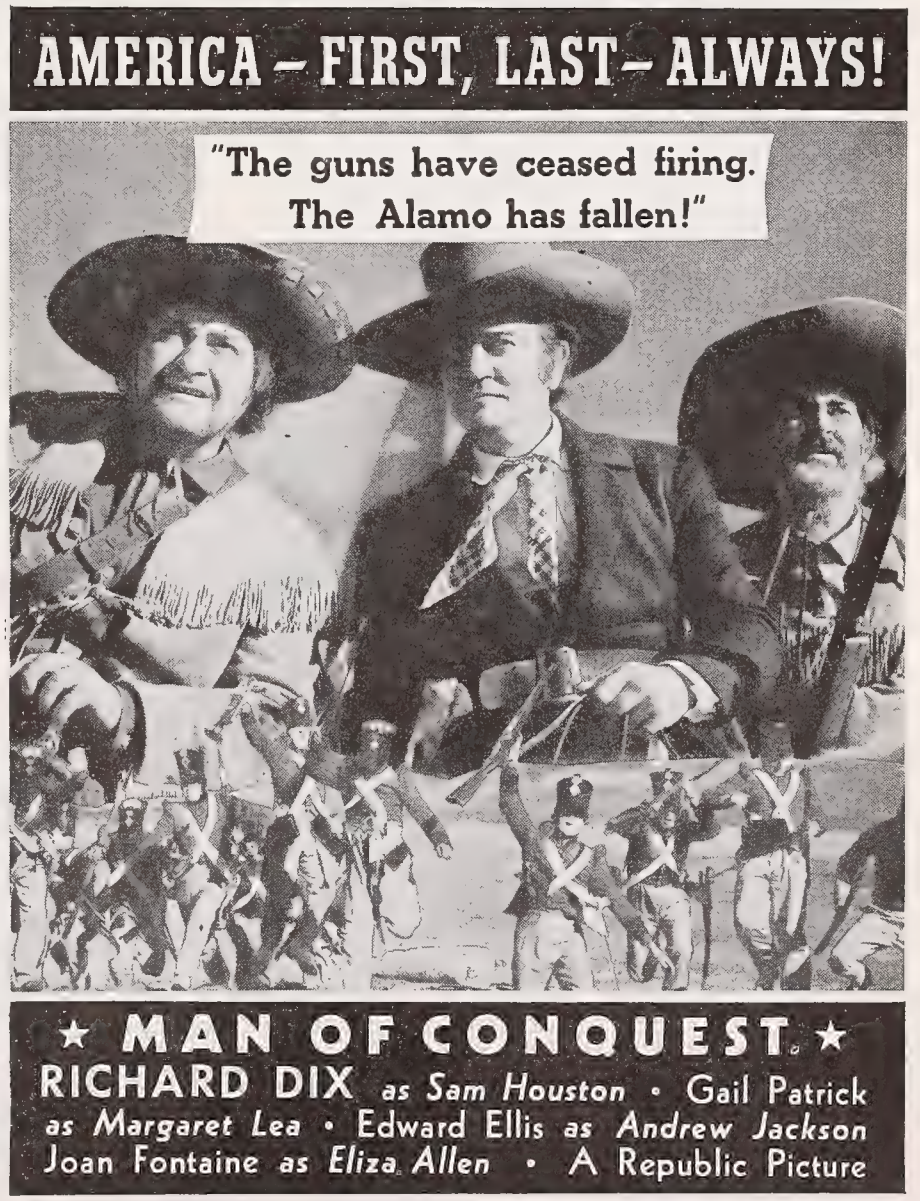
'Honest Man' With $23,300 Chicago Best

CHICAGO, March 23.—"You Can't Cheat an Honest Man" won the honors in the Loop with a $23,300 gross at the Palace. The State-Lake with "Off the Record," took a strong $13,500. "Wings of the Navy" at the Roosevelt drew $14,000.

"Pygmalion" in the fifth week at the Apollo pulled $7,900. The weather was cold most of the week.

Estimated takings for the week ending March 15-18:

"Pygmalion" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 5th week. Gross: $7,900. (Average, $6,500)
"Yes, My Darling Daughter" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Harriett Hoctor and Ethel Shutta. Gross: $29,200. (Average, $32,000)
"Cafe Society" (Para.)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $5,000. (Average, $6,500)
"Love from a Stranger" (RKO)
"I Am a Convict" (W.B.)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revuve. Gross: $13,300. (Average, $13,000)
"You Can't Cheat an Honest Man" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Chester Hale Girls & Revue. Gross: $23,300. (Average, $19,000)
"Wings of the Navy" (W.B.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $14,000. (Average, $11,000)
"Off the Record" (W. B.)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Hal LeRoy and Revue. Gross: $13,500. (Average, $12,000)
"Huckleberry Finn" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $10,900. (Average, $15,000)



Here's to

...THE PROFITS THAT BLOOM IN THE SPRING TRA-LA!



Bing, excitement-bound . . . on gusts of melody . . . He has Joan...And Mischa has a hot baby on his hands!



MEET SANDY!





—LAUGH ACTION

East Side

Original story by David Butler & Herbert Polesie

Screenplay by William Conselman

Directed by David Butler



ONDER BABY!

Bing cuts himself a new slice of niche in the country's heart!

BING
CROSBY
JOAN
BLONDELL
MISCHA
AUER

IN THE NEW UNIVERSAL'S



—THE HUMORIST!



—THE GO-GETTER!

of Heaven

NATIONAL RELEASE APRIL 7TH!

with

IRENE HERVEY

C. AUBREY SMITH • JEROME COWAN • "SANDY"

MATTY MALNECK AND HIS ORCHESTRA

The whole country will soon be singing, humming, crooning ... "That Sly Old Gentleman from Featherbed Lane!" ...and "East Side of Heaven!"

UNIVERSAL PICTURES

'Each Other' Hits $10,200, San Francisco

SAN FRANCISCO, March 23.—"Made for Each Other" took a strong $10,200 at the United Artists. "Wife, Husband and Friend," paired with "Persons in Hiding," drew well at the Fox with $16,000.

"Pygmalion" ended four weeks at the St. Francis with a good $6,200, "You Can't Cheat an Honest Man" and "My Son Is a Criminal" ended three weeks at Orpheum with $7,600.

Estimated takings for the week ending March 14-17:

"The Flying Irishman" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $13,500. (Average, $16,000)
"Made for Each Other" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $10,200. (Average, $7,000)
"You Can't Cheat An Honest Man" (Univ.)
"My Son Is a Criminal" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $7,600. (Average, $8,500)
"Wife, Husband and Friend" (20th-Fox)
"Persons in Hiding" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $16,000. (Average, $17,000)
"Let Freedom Ring" (M-G-M)
"4 Girls in White" (M-G-M)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $9,800. (Average, $13,000)
"Pygmalion" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 4th week. Gross: $6,200. (Average, $7,000)
"Ice Follies of 1939" (M-G-M)
"Secret Service of the Air" (W. B.)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,000. (Average, $13,000)
"The Story of a Cheat" (Gallic)
CLAY—(400) (15c-35c-40c) 7 days, 2nd week. Gross: $850. (Average, $1,300)
"Two Hearts in Waltz Time" (Zwicker)
LARKIN—(390) (15c-35c-40c) 7 days, 2nd week. Gross: $750. (Average, $1,300)

Personnel Moves

NAME MILLS MANAGER

TORONTO, March 23.—Lloyd C. Mills, manager of the Centre, London, Ont., has been appointed manager of the Elgin, Ottawa, succeeding J. J. Paul, who has gone to the Royal, Welland, Ont.

QUITS HANSON POST

TORONTO, March 23.—George F. Law has resigned as chief booker for Hanson Theatres Corp., operating a group of theatres in Ontario.

"U" SHIFTS SHERMAN

INDIANAPOLIS, March 23.—William Sherman, formerly of New York, is new office manager and head booker of Universal here. P. J. Fortune, former office manager, is on the sales staff now.

RHOADES IS BOOKER

OKLAHOMA CITY, March 23.—H. J. Rhoades, manager of the accessory department of the Republic exchange here, has resigned to become booker for Southwestern Theatres, Inc.

MANAGERS SHIFTED

CHIPPEWA FALLS, Wis., March 23.—Alfred L. Balow has been named manager of the Minor Amusement company's Falls and Rivoli here, succeeding Fred Minor, who has been transferred to the circuit's home office in Racine Lake, Wis.

SHARTIN IN SEATTLE

SEATTLE, March 23.—William S. Shartin, former manager of Warner exchange in Minneapolis, has taken over management of the local branch.

ADD TO BOOKER DUTIES

CHICAGO, March 23.—Al Raymer is now booker of features and shorts for the Indiana-Illinois Circuit, following the transfer of Mel Bleiden, former shorts booker, to manage the Capitol in Hammond, Ind.

Hollywood Preview

"On Trial"

(Warners)

HOLLYWOOD, March 23.—Melodrama, as it always was, again is the substance of this version of Elmer Rice's play, "On Trial." Only a few minor modernizing changes have been made in story structure. The story is reenacted intelligently and with conviction. The performances of John Litel, Margaret Lindsay, Janet Chapman, Edward Norris and Larry Williams are commendable.

Repetition of the often told story is hardly necessary here. It might be said, however, that use of the flashback technique, in which occurrences are acted instead of described, makes for better understanding. Litel, on trial for murder, refuses to cooperate with his counsel, Norris, or make any effort to defend himself. With the prosecutor tearing the suspect limb from limb, Norris pulls a surprise by calling Litel's daughter, Miss Chapman, and wife, Miss Lindsay, to testify. The child's evidence, later substantiated by her mother, absolves Litel and traps the real thief and killer, Williams.

Don Ryan's screenplay preserves the melodramatic content of the original, further stressed by Terry Morse's direction.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

Out Hollywood Way

HOLLYWOOD, March 23. — KING VIDOR will direct the postponed M-G-M picture, "Northwest Passage," instead of W. S. VAN DYKE, originally scheduled to guide the ROBERT TAYLOR-SPENCER TRACY-WALLACE BEERY vehicle. VAN DYKE is busy on preparations for "The Return of the Thin Man." Shooting on "Passage" starts in April . . . HARLAN HOBBS has replaced VERN PARTEN on the Paramount publicity staff. PARTEN will devote his time to radio writing . . . DAVID O'BRIEN has been set for the masculine lead in the "girl westerns" Coronado is making for Grand National release. The titles of the next two are "Covered Trails" and "Stagecoach Westward" . . . Paramount has purchased "Danger Signal," best seller by PHYLLIS BOTTOME, as a vehicle for newcomer PATRICIA MORISON. HENRY HATHAWAY will direct.

✚

JOE E. BROWN's first picture under his deal with Columbia will be "Spook House," from the ROBERT FLOURNOY stage play. ROBERT SPARKS will produce, and BRIAN MARLOW is writing the script . . . LUCIEN HUBBARD's first M-G-M picture, "6,000 Enemies," starring WALTER PIDGEON and RITA JOHNSON and featuring NAT PENDLETON, starts in a few weeks. GEORGE B. SEITZ will direct the prison yarn . . . BERT WHEELER is being considered by Warners for the top role in a football story, "Lighthorse Harry." FRED NIBLO, JR., is writing the screenplay.

✚

WALTER WANGER has purchased an original by MYLES CONNOLLY, "House Across the Bay," story of the wives and sweethearts of men imprisoned in Alcatraz. It will be made with four top players in the leading roles, but no casting has been announced . . . JOHN GARFIELD is set for the lead role in "For Benefit of Mankind," Warner tale of "legal racketeering" . . . JACK CHERTOK is planning an M-G-M short based on the life of JOHN PETER ZENGER, original defender of a free press in America. It will be titled "The Story that Couldn't Be Printed."

Pass Bill in Kansas To End Tax Tokens

TOPEKA, Kan., March 23. — State Senate has passed a bill doing away with sales tax tokens, effective July 1. The Governor is expected to sign the bill. Collection of the two per cent sales levy will be by pennies in a bracket system, yet to be worked out by the legislature.

The State Affairs Committee of the House has killed a bill to legalize horse racing and pari-mutuel betting.

Pan American Plans 3

MEXICO CITY, March 23. — Pan American Films, with headquarters here and of which Joaquin Piña is president, will produce three features in Spanish, for release in the fall.

Plans Open Air House

NEW HAVEN, March 23.—Middletown is to have an open air theatre, which is expected to be in operation about June 1. Joseph Adorno, operator of Middletown's three downtown houses, is the builder.

'Love Affair' At $29,000 in 2 L. A. Spots

LOS ANGELES, March 23.—"Love Affair," paired with "The Last Warning" cleared a sensational $29,000 in two houses, $13,000 at the Hillstreet and $16,000 at the Pantages.

"Pygmalion" garnered $5,700 in its twelfth week at the 4 Star, and "The Oklahoma Kid" and "The Adventures of Jane Arden" grossed $13,300 at the Warner Hollywood and $15,000 at the Warner Downtown.

Estimated takings for the week ending March 22:

"Wife, Husband and Friend" (20th-Fox)
"Arizona Wildcat" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $9,000. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 10 days. 12th week. Gross: $5,700. (Average, $3,250)
"Love Affair" (RKO)
"The Last Warning" (Univ.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $13,000. (Average, $6,500)
"Wife, Husband and Friend" (20th-Fox)
"Arizona Wildcat" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $10,800. (Average, $14,000)
"Love Affair" (RKO)
"The Last Warning" (Univ.)
PANTAGES — (3,000) (30c-65c) 7 days. Gross: $16,000. (Average, $7,000)
"Never Say Die" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Paramount Theatre orchestra. Gross: $12,500. (Average, $18,000)
"The Oklahoma Kid" (W.B.)
"The Adventures of Jane Arden" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $13,300. (Average, $14,000)
"The Oklahoma Kid" (W. B.)
"The Adventures of Jane Arden" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $15,000. (Average, $12,000)

'Pygmalion' Draws $5,500 in Oklahoma

OKLAHOMA CITY, March 23. — "Pygmalion" at the Midwest led the local grosses with $5,500, in a week of fair weather. "The Oklahoma Kid" took $1,800 in the second week at the Tower, and "You Can't Cheat an Honest Man" drew $1,300 at the Plaza in the second week.

Estimated takings for the week ending March 16:

"Honolulu" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $4,500. (Average, $5,200)
"The Great Man Votes" (RKO)
"Arizona Legion" (RKO)
LIBERTY — (1,200) (25c-30c) 3 days. Gross: $1,000. (Average, $1,500)
"Torchy Blane in Chinatown" (W. B.)
"Pardon Our Nerve" (20th-Fox)
LIBERTY — (1,200) (25c-30c) 4 days. Gross: $850. (Average, $1,000)
"Pygmalion" (M-G-M)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $5,500. (Average, $4,500)
"You Can't Cheat an Honest Man" (Univ.)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,300. (Average, $2,300)
"Let Us Live" (Col.)
STATE — (1,100) (20c-25c-40c) 7 days. Gross: $2,500. (Average, $3,500)
"The Oklahoma Kid" (W. B.)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $1,800. (Average, $2,500)

New Oklahoma House

DURANT, Okla., March 23.—Shipman Bullard has opened a theatre on the location of the old Metro, formerly operated by Robb & Rowley, which allowed the lease to expire, and which operates two other houses in Durant.

THREE NEW STARS

EASTMAN'S new motion picture negative films . . . general-purpose *Plus-X*, high-speed *Super-XX*, ultra-fine-grain *Background-X* . . . add highly dependable performance to extraordinary special abilities. Their instant acceptance and constantly wider use by the industry mark them as today's outstanding raw-film stars. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X* . . . *Super-XX* . . . *Background-X*

Metro Reel Release Refused in Holland

Amsterdam, March 23.—Request of M-G-M that News of the Day, newsreel which it releases, be approved for distribution in Holland, has been rejected by the Dutch Motion Picture Federation, because there are already five newsreels distributed in this country.

They are Paramount News, two Dutch reels, Polygoon and Profilti, and a French reel, Eclair-News.

Inquiry Is Started On IATSE Funds

(*Continued from page* 1)

and women working for a living with families to support to be compelled to pay two per cent of their salaries in addition to their regular dues for the privilege of working. This office will stop such practices if it lies within our power."

The two per cent assessments were established on order of the International's executive board. They applied to all members of I. A. locals in the United States and Canada. Purpose of the levy, according to union officials, was to finance organization and expansion work.

First such assessment was made in 1936 and continued until late in the year. The second was made effective about Feb. 8, 1937, and continued to Dec. 11, the same year.

Strickling issued a statement tonight denying that $1,000,000 had been collected from the local in two per cent assessments. He said the amount was closer to $110,000. He insisted the standard receipt form had been issued to members.

Farmers' & Merchants' National Bank has petitioned the Superior Court for a receiver to the local's deposit of $85,176, to protect the bank's interest in the controversy.

Kibre Compromise Seen

HOLLYWOOD, March 23.—The National Labor Relations Board today moved to effect a compromise over charges of company unionism and bribery brought against producers and I.A.T.S.E. International by Jeff Kibre, head of the minority group of Studio Technicians Local 137. Aaron Warner, Acting Regional Director of the board, brought those involved in the charges together in a conference. The result was that both sides will report back on March 30 with plans for an amicable settlement of the dispute.

Distributors Wary

Distributors fear that were they to comply with the current demands of the I.A.T.S.E. and Local 306 not to service non-I.A.T.S.E. theatres with film, that they might be making themselves subject to damage suits for violation of the Clayton monopoly act.

Lawyers who have been interviewed compare the situation with the Interstate case recently determined adversely by the U.S. Supreme Court.

The I.A.T.S.E. demand is that the distributors include a clause in their new season contracts which will stipulate that the company will not sell to theatres in which other than I. A. projectionists are employed. Such an agreement, attorneys state, would constitute conspiracy to influence the operations and policies of independent subsequent runs in the same measure that the high court held that conspiracy entered into the Interstate Circuit contracts which affected the admission scales and program policies of independent subsequent runs in the Dallas territory.

Meanwhile, attorneys for major companies are continuing their efforts to find a means for peaceful settlement of the union's demand.

Further meetings between the company attorneys and I. A. officials are scheduled for early next week. If the negotiations fail the I. A. has been authorized by Local 306 members to call a strike.

Institutional Beer Programs Will Be Permitted by CBC

MONTREAL, March 23.—L. W. Brockington, chairman of the Canadian Broadcasting Corp., disclosed that CBC will permit "strictly institutional programs" sponsored by brewers in Quebec.

Although the ban on beer advertising will go into effect planned on April 1, CBC temporarily will permit sponsors to continue broadcasts under rigid regulations. Two advertising announcements per program will be allowed and these must be limited to naming the sponsor. Continuities must also be submitted to CBC for approval.

Institutional programs will be allowed, one CBC governor stated, to avoid the necessity of calling on the Federal Department of Justice to rule on the corporation jurisdiction in this matter, and also as a temporary measure to judge public reaction.

This decision is the result of a three-day session here in which the CBC governors met delegates from the brewers, artists, independent stations and advertising agencies.

The demand by independents for the right to form their own chain and to experiment with television and facsimile broadcasting met with refusal as the corporation reviewed rulings presented recently to the House of Commons Radio Committee at Ottawa, in which these matters were placed entirely under the wing of Government radio.

Aisner Will Confer On French Measure

Robert Aisner, head of Heraut Film Corp., French producer who plans a series of American features, will confer with Premier Daladier of France on the proposed film regulation bill sponsored by Minister of Education Zay, according to Aisner's New York office.

Aisner sailed for Paris last Saturday, to return here April 5. It is indicated that he will submit suggestions for amendments and modifications of the drastic terms of the Zay measure.

Lien on Miss Hopkins

LOS ANGELES, March 23.—Miriam Hopkins has been named in an income tax lien here for $26,806 in 1937, filed in Federal Court by the Collector of Internal Revenue.

Radio Personals

JANE PICKENS has signed under the joint management of Music Corp. of America and Sam Lyons . . . Fred Weber, Mutual general manager, off to Cincinnati . . . Ted Enns, national sales representative for KSO, KRNT, WMT and WNAX is en route to New York on a business trip . . . Hal Kemp and his crew will carry CBS and Mutual wires from the Waldorf when they open there March 29. That night, incidentally, is Kemp's birthday.

N.A.B. Committee Writing New Code

National Association of Broadcasters committee on code practices met here yesterday at the opening of a three-day session to rewrite the association's standards on program code and practices, for presentation and ratification at the N.A.B. convention this summer. Last N.A.B. code was written in 1935.

The committee yesterday drew up preliminary drafts covering the stand to be taken on children's programs, religious programs, and policies on news and gossip columnists on the air, with particular stress on the latter as it applies to Hollywood commentators. Remainder of the session will be devoted to discussions on the same subjects, with a possibility that a tentative statement covering the recommendations made at the meetings will be issued at the conclusion of the discussions.

Attending the meeting are Neville Miller, N.A.B. president; Ed Kirby, N.A.B. press relations director; Samuel R. Rosenbaum, Edgar Bill, Paul Morency, Herbert Hollister, Karl Wyler and Earle Glad. At yesterday's meeting also were Niles Trammel of NBC, Edward Klauber of CBS and Ted Streibert of Mutual.

Jules Levy Starts West

Jules Levy, RKO Radio general sales manager, left for Hollywood yesterday to confer with studio officials on forthcoming product. Levy will stop over in Chicago en route west and will make other key city stopovers on the return trip in connection with the company's current George Schaefer sales drive.

Radio on 'Pacific' Train

The F. C. C. has issued permission for the installation of a short-wave transmitter aboard train on which Cecil B. DeMille will tour the country to ballyhoo his latest picture, "Union Pacific." More than 30 cities will be visited. Broadcasts will be made from the train as it approaches each visit, with local stations picking up and rebroadcasting the programs.

Merle Oberon on Air

Merle Oberon will fly east next week to preview scenes from her new picture, "Wuthering Heights," on the Kate Smith show March 30.

CBC Will Begin Facsimile Work

Ottawa, March 23.—Canadian Broadcasting Corp. will begin experimental operations with radio facsimile here tomorrow when a broadcast will be made from Station CBO to the Parliament Buildings as a test.

Television Permits Weighed by F.C.C.

WASHINGTON, March 23.—Television transmitter permits asked for by the Crosley Corp. and Don Lee have been referred to the television committee of the F. C. C., with Commissioners Craven, Brown and Case sitting in the hearing.

Crosley Corp. has asked for authority to use the channel 50,000-56,000 kilocycles with aural and visual power of 1,000 watts unlimited time. Don Lee Broadcasting System has requested frequencies 42,000-56,000 kilocycles with aural and visual power of 1,000 watts, unlimited time. The Crosley station would be erected in Cincinnati and the Don Lee station in the vicinity of San Francisco.

Republic Contracts Above $7,000,000

(*Continued from page* 1)

largely due to the sale of American Record Corp. to CBS for about $700,000 in cash.

Yates disclosed that Consolidated is completing a deal to lend Edward Small, United Artists producer, $150,000 in return for an exclusive printing contract. Universal's note for $1,000,000, which was due within the last 90 days, has been extended another year and may be renewed an additional year.

Questioning brought out that Republic owes Consolidated $2,500,000, of which $500,000 is current. Consolidated has a $750,000 investment in Republic stock, owning 48 per cent, directly and indirectly; Consolidated sales to Republic in 1938 were $1,081,910, compared with $1,033,043 in 1937; instructions have been issued to Republic to limit prints and get 50 bookings per print.

Questioned, Yates said his salary is $75,000 a year from Consolidated, with none from Republic or other subsidiaries. He said several stockholders have submitted recapitalization plans and that something may be worked out soon.

Ralph Poucher, vice-president, estimated Consolidated's first quarter profit as about $258,000, against $166,125 in the corresponding 1938 period, both before taxes, though sales increased only about $200,000. J. W. Coffman, in charge of production, described increased technical efficiency at the plant largely offsetting higher labor costs.

The stockholders gave the officers a vote of confidence and reelected four directors for three years, as scheduled. The directors met later and reelected the officers.

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MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 40 NEW YORK, WEDNESDAY, MARCH 1, 1939 TEN CENTS

Directors and Producers Set To Sign Pact

Adoption Seen This Week, Ending 2-Year Fight

HOLLYWOOD, Feb. 28.—Indications are that a contract with producers for directors' assistants and unit managers will be signed this week. Frank Capra, president of the directors' guild, W. S. Van Dyke and Howard Hawks are scheduled to meet with a producers' committee made up of E. J. Mannix, Y. Frank Freeman and Pandro S. Berman in a conference predicated on the recognition of the S. D. G. as bargaining agency.

At a meeting last night the board of directors of S. D. G. completed plans for the final negotiations looking toward the adoption of the pact. Only one item remains to be settled, that of wages and hours for assistant directors and unit managers.

Signing of the pact will end almost two years of negotiations. The direc-

(*Continued on page 3*)

Drama Guild Pact Revision Studied

J. Robert Rubin, vice-president of Loew's, will begin consideration today of proposed modification of the basic agreement between legitimate stage producers and the Dramatists' Guild. The draft, which was prepared by Sidney R. Fleischer, attorney for the guild, has been considered by other representatives of film companies and an early conference of all parties is expected after Rubin completes his study.

If agreement is reached, Hollywood financing is expected to re-enter the Broadway legitimate stage scene.

To Air Views on Film Censorship

Film censorship and its effect on the motion picture art will be discussed by Harry Brandt, president of the I.T.O.A.; Chester M. Bahn of *Film Daily*, Pete Harrison, publisher of *Harrison's Reports*, and Terry Ramsaye, editor of *Motion Picture Herald*, on Martin Starr's motion picture forum program over WMCA this afternoon at 4 P. M.

20th-Fox Decides to Rejoin British KRS

London, Feb. 28.—Francis L. Harley, managing director for 20th Century-Fox in England, disclosed here today that his company has rejoined the Kinematograph Renters' Society, organization of British distributors.

The withdrawal of the American company last spring from the British distributing organization centered about the controversy over grading of films in "A" and "B" classifications by the K.R.S.

Earnings of Loew Ahead Of Last Year

Earnings of Loew's, Inc., are running better than last year, it was stated by J. Robert Rubin, vice-president, after the annual stockholders' meeting at the home office yesterday.

For the 28 weeks ending March 17, 1938, Loew's reported a net of $6,487,678, equal to $47.75 on the preferred and $3.76 on the common before provision for surtax.

In the first quarter of 1938-'39, the company added $500,000 to reserve out of earnings. It is understood that an additional $500,000 will be taken for reserve in the current quarter.

Dividend action on the common stock is due at a directors' meeting today, when Nicholas M. Schenck, president, and all other offices are scheduled for reelection.

The stockholders' meeting was attended by about 60, including some

(*Continued on page 3*)

Dallas Decision Factor in Trade Pact Negotiation

Possible effect of the Supreme Court's decision in the Dallas anti-trust case on trade practices generally is a factor in the drafting of an acceptable reform program.

The court's interpretation of contractual limitations, by inference on clearance and other matters, has given new direction to the deliberations by industry lawyers and sales managers. This is understood to have delayed the completion of the program, though the distributors' committee has been in almost constant session since Monday.

Myers Parley Put Off

Because of the delay, the scheduled conference with Abram F. Myers, general counsel of Allied, has been deferred. Allied directors' meeting to vote on the program will not be called until after the conference with Myers in New York. The board meeting had been scheduled by March 1.

William F. Rodgers, general sales manager of M-G-M, is due to leave

(*Continued on page 3*)

Dakota Anti-Ascap Bill Recommended

BISMARCK, Feb. 28.—North Dakota's anti-Ascap measure was recommended for passage by the Judiciary Committee of the House here today. The bill has already been adopted by the Senate.

Principal provisions of the measure include a three per cent tax on gross earnings of music licensing organizations operating within the state and the requirement that such organizations maintain lists of their copyrighted numbers on file in Bismarck.

Stockholder Files Action Against Loew

Conspiracy in Forming 20th Century Charged

WILMINGTON, Del., Feb. 28.—Bill of complaint in a stockholder's suit brought by Arnold Herrmann, Loew stockholder, was filed in Chancery Court today. The action charges conspiracy and fraud on the part of Loew's, Inc., and its officers and directors in the formation of 20th Century Pictures, Inc. (now 20th Century-Fox Film Corp.) and Selznick International, Inc.

Besides Loew's, Inc., other defendants named were David Bernstein, Isadore Frey, Leopold Friedman, William A. Phillips, J. Robert Rubin, Nicholas M. Schenck, David Warfield, David Loew, Arthur Loew, Louis B. Mayer, Darryl F. Zanuck, Joseph M. Schenck, William F. Goetz, J. E. Searle, J. R. Hazel, George N. Armsby and William A. Parker.

Gist of Complaint

Complaint alleges that Zanuck and George Arliss were induced to enter the employ of 20th Century, that money and talent was loaned to the new company and that a competitor was built up. Relief sought is a preliminary and permanent injunction restraining the transfer of 20th Century-Fox stock; sequestration of all Loew stock in the name of defendants; that all 20th Century-Fox stock in name of defendants be declared the

(*Continued on page 3*)

Near End in Probe Of Fox West Coast

LOS ANGELES, Feb. 28.—A two-year investigation of an alleged monopoly of film product by Fox West Coast in this territory will be concluded within two weeks, according to Harold Collins, special U. S. assistant attorney general, who with Albert J. Law has been conducting the intensive probe of the circuit's activities since the issuance of a consent decree about eight years ago.

Collins said that the finishing touches are now being put on the report of the investigation's results, which included a study of the records of all major film exchanges here. The report will be sent to Washington in two weeks, Collins said.

The recent illness of Law delayed the wind-up of the probe for several weeks.

Justice Department Considering New Suits Against Film Industry

Washington, Feb. 28.—Department of Justice officials said today they are considering bringing new suits against the film industry. No decision as to whether or not actions will definitely be filed has been reached yet, however.

It was revealed that the department has received "a good many" complaints concerning exhibition practices and that the desirability of initiating new court cases has been under consideration for some time. If the department decides to move further against the industry, it was indicated that at least two and possibly more suits will be instituted.

Repeal of the North Dakota affiliated theatre divorce law and other recent occurrences within the film industry are understood to have strengthened the department's determination to intensify its campaign against the major film companies.

Para. Considering Television Trailers To Advertise Films

Paramount is considering plans for producing special trailers for the exploitation of its product by means of television, according to a statement issued yesterday by Neil Agnew, vice-president in charge of distribution.

Utilizing the sepia tint film which Paramount believes to be better adapted to television purposes than the standard black and white, the trailers would be produced as entertainment vehicles as well as sales media, it was said. They would be of greater length than the usual theatre trailers, it is planned. First experiments with the trailers may be within the next few weeks on the Allen DuMont Television Company's transmitter at Montclair, N. J. Paramount is financially interested in the DuMont company. Transmitters in other sections of the country may be employed later, according to the Paramount statement.

No arrangements for commercial television programs have been approved yet by the Federal Communications Commission. Opinions differ as to whether or not a semi-entertainment trailer would be approved for television broadcasting under existing restrictions.

At the present time there are 19 transmitters licensed throughout the country, most of which are maintained solely for technical experimentation or scientific study. Several are owned by midwestern universities, such as Purdue and the University of Iowa.

Current estimates place the number of home television sets in use in this country at less than 2,000. RCA, Philco and Zenith, however, plan to put moderately priced sets on the market this spring, which may give considerable impetus to sales of home sets during the months following.

Bill Exempts Theatres

ALBANY, Feb. 28.—Assemblyman Louis Bennett today amended his chain store bill in the New York legislature to exempt theatres specifically, by cutting that word from the definition. Bennett indicated to MOTION PICTURE DAILY some time ago that he intended to exempt theatres.

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Purely Personal

CHARLES SKOURAS, head of Fox West Coast, and MRS. SKOURAS and their daughter MARJORIE, arrive March 9 from an extended trip abroad.

•

MRS. GUSSIE BRANDT, mother of the Brandt brothers, was honored on her 71st birthday at a luncheon at Lindys yesterday. The party was given by five sons, HARRY, BILL, LOU, BERNARD and AL, and RUTH JACOBS and BELLA HEYMAN.

•

W. J. GELL, managing director of Pathe Pictures, Ltd., British distributor of Monogram films, has been named a Commander of the British Empire by King George VI.

•

SONJA HENIE, who arrived from a cruise to Rio yesterday, leaves tomorrow or Friday for the coast, to start Monday in "When Winter Comes." She reduced eight pounds during the 24-day trip.

•

HUMPHREY BOGART and his wife, MAYO METHOT, left New York yesterday for Oklahoma City, where "The Oklahoma Kid" will open on Friday.

•

GEORGE STEVENS, director of "Gunga Din," left yesterday for Hollywood after a six-week vacation in New York.

•

MEL BERNS, in charge of the RKO studio makeup department, is en route to Hollywood after a New York vacation.

•

LIONEL TOLL of the I.T.O.A. is chairman of a Joint Distribution Committee dance for refugee relief Saturday at the Roosevelt.

GEORGE DEMROW, general sales manager of National Screen Service, is due back from the coast next Monday. He left the coast about 10 days ago, but is making several stops at exchanges en route.

•

BOBBY BREEN, who recently completed "Fisherman's Wharf" for RKO, has started a two-week personal appearance tour in conjunction with the picture.

•

MARIA OUSPENSKAYA, dramatic school conductor, has returned to New York following completion of her work in "Love Affair" for RKO.

•

L. W. CONROW, president of Altec Service Corp., leaves tomorrow for Detroit, Chicago and the coast, on a business trip.

•

CHARLES LA TORRE, featured in "Hooray for What," and DON DE LEO, are a new team in "The Notorious Eleanor Lee," in production at the Biograph studios under the direction of OSCAR MICHEAUX.

•

LILLIAN GISH, SOPHIE TUCKER, RUDY VALLEE, ETHEL WATERS and EDDIE DOWLING scheduled to appear at the first annual benefit for the Saratoga Springs Foundation March 5.

•

LESTER HUTCHEON, city manager in New Philadelphia, O., for the Shea circuit, is recovering from an illness at the Mercy Hospital, Pittsburgh.

•

TONY D'ALGY, Argentine film director, is here from Buenos Aires.

New Pathe Officers All Former Officials

Officers of the newly formed Pathe Laboratories, Inc., are all former officials of Pathe Film Corp. O. Henry Briggs is president of the new company; T. P. Loach, vice-president and treasurer; A. W. Miller, vice-president; M. M. Malone, secretary, and K. G. Fraser, assistant treasurer.

Pathe Laboratories was organized to continue the old company's laboratory business under the approved plan for liquidation of other company assets.

Aisner Prepares First

"Made in France" will be the first of four films to be produced here by Robert Aisner, French producer. All four will have English dialogue and American casts. Shooting will start in four weeks.

Charles Schafer Dies

YOUNGSTOWN, O., Feb. 28.—Charles W. Schafer, 69, treasurer of the State Theatre, died at his home here after a brief illness. His widow and two sons survive.

The Newsreel Parade

Sino-Jap conflict again is shown in the newsreels. An Army equipment demonstration, Secretary Morgenthau discussing the New Deal, and the A.A.U. track meet in New York are included. The reels and their contents follow:

MOVIETONE NEWS, No. 49—Sky defense demonstration. Tornado ruins in North Carolina. Chinese cities bombed. Morgenthau speaks. Golf championships. Sonja Henie in South America. Girl archers in Florida. Yankee Clipper ends cross country trip. Clipper takes off for China. Lew Lehr. A.A.U. meet. Yachting. Baseball players in training. Horse racing in Miami. Ski jumps.

NEWS OF THE DAY, No. 247—Ships collide at sea. Yankee Clipper arrives in Maryland. Demonstration of artillery defense. Japanese bombers in action. Dewey speaks. Morgenthau in address. Academy Award winners. International A.A.U. meet. Outboard racing. Santa Anita Derby.

PARAMOUNT NEWS, No. 60—Yankee Clipper ends test flight. Clipper flies to Honolulu. Aircraft weapons inspected. Hines trial. Loyalist camp in France. Motorboat race. Prince of Naples celebrates birthday. *S. S. Lillian* sinks. Track meet in New York. Giants and Dodgers in training. Army beats Navy in basketball.

RKO PATHE NEWS, No. 64—Army defense demonstration. Concentration camp in France. Hines found guilty. Miners stage sitdown strike. Outboard races. Hopkins and Morgenthau discuss New Deal. Army vs. Navy basketball game. Santa Anita Derby.

UNIVERSAL NEWSREEL, No. 749—Academy Award winners. Morgenthau speaks. *S. S. Lillian* wrecked at sea. Clipper takes off for China. Yankee Clipper. Boy giant. Army equipment. Autos race on ice. A.A.U. meet. Outboard race. Miami races.

Monogram Meet in New Orleans in May

Monogram will hold its sales meeting in New Orleans during the first week of May. Final decision on the production schedule for the 1939-'40 season will not be completed until then. Present plans are to produce about 30 features and 16 weste[illegible]

Monogram will not go into E[illegible]sh production next season, Scott R. Dunlap, vice-president in charge of production, declared. Dunlap and W. Ray Johnston, president, may go abroad in the fall, but there is no intention of altering the present setup for the production of quota films.

"Murder in the Big House," from an original by Father Patrick O'Neill, will be the next big production by Monogram. It will start shooting in April. Dunlap, who came to New York Monday with Trem Carr, member of the board, for the stockholders' meeting today, will leave Friday with Johnston for the coast.

Today's meeting will consider raising the number of members of the board from seven to nine to permit the inclusion of Leon Fromkess, treasurer, and Norton V. Ritchey, foreign sales manager. New employment agreements for Johnston and Dunlap, election of a new board, and change of the fiscal year to end in June instead of December will also be voted upon.

Jack Warner, Wallis To Attend Sales Meet

Jack L. Warner, vice-president of Warners in charge of production, and Hal B. Wallis, production executive, will attend the company's national sales convention here March 13 and 14.

Warner arrived Monday from the coast, while Wallis is due soon. Harry M. Warner, president, has decided not to come east.

Between now and the convention Jack Warner will sit in on conferences on new season plans with Gradwell L. Sears, sales chief; Carl Leserman, Charles Einfeld and Mort Blumenstock.

Alster Quits Randforce

Samuel Alster, manager of the Randforce Kinema, Brooklyn, has resigned, effective March 2.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Accord Is Forecast In IATSE Dispute

HOLLYWOOD, Feb. 28.—Partial tentative agreement over terms of settlement suggested by Jeff Kibre, I.A.T.S.E. minority leader, under which he would drop charges of company unionism against producers and I.A.T.S.E. International officers, was reached today at a conference between Kibre and A. Brigham Rose, attorney for I.A.T.S.E. Local 37, and producer attorneys.

In a closed session with William R. Walsh, N.L.R.B. attorney, and Dr. Towne Nylander, suspended Regional Board director, confreres reportedly agreed upon continuance of closed shop conditions, permitting stewards of four I.A.T.S.E. locals on lots and establishment of grievance machinery to settle disputes.

These conditions would accrue to I.A.T.S.E. locals under autonomous setups recently granted by Alliance International.

The demand of Kibre for return of $3,000,000 allegedly illegally collected by the International from members of four locals here was discussed but no decision was reached.

Stockholder Brings Suit Against Loew's

(*Continued from page* 1)

property of Loew's; accounting for all alleged misappropriations and damages for allegedly improper loaning of talent; and somewhat similar remedies with reference to Selznick International.

Herrmann is alleged to hold 300 shares of common and 100 shares of preferred stock. His New York counsel is Nathan Ende and his Wilmington solicitor is Ivan Culbertson.

"Absurd," Declares Rubin

J. Robert Rubin, Loew's vice-president, when informed of the suit, said: "It is utterly absurd." Leopold Friedman, general attorney, described it as "fantastic."

Chicago Fund $106,000

CHICAGO, Feb. 28.—Jack Kirsch, Allied president and chairman of the Jewish Foreign Welfare drive here, has reported that $106,000 has been raised in the amusement division. The quota was $100,000.

Lasky in Chicago

CHICAGO, Feb. 28.—Jesse L. Lasky is here conferring with Wrigley officials concerning the Lasky-RKO radio program Sunday nights on CBS. He will leave Thursday for the coast.

Bingo Profits

Trenton, Feb. 28.—In 42 weeks the Elks Lodge in Plainfield netted profits of $2,400 from Bingo games, run in competition with local theatres. The State Board of Tax Appeals has turned down the lodge's plea for tax exemption because the games were for charity. The board ruled that profits from "regular and continued" Bingo games open to the public are taxable.

Dallas Decision Is Trade Pact Factor

(*Continued from page* 1)

for the coast tomorrow, and S. R. Kent, 20th Century-Fox president, will leave at the end of the week. It is presumed that the program will be in substantially completed form by then.

A delay occurred originally when Myers was invited to submit suggestions. Three weeks elapsed between Allied's board meeting in Washington in January and the distributor committee's receipt of his version of a draft.

Since then the distributors' committee has been attempting to devise specific arbitration rules which would cover clearance, overbuying and other phases.

While the Supreme Court decision in the Texas case did not deal with clearance, the inference is that the courts are taking jurisdiction on the question. However, since clearance was not an issue in the case, the question will not have judicial determination until brought before the court squarely.

Earnings of Loew's Ahead of Last Year

(*Continued from page* 1)

company executives, and routine business was transacted without a hitch. There were no questions from the floor and no reference to the recent minority stockholders' suit which resulted in favor of Loew officials and directors.

Of 1,780,215 shares of common stock outstanding, 1,100,000 shares were represented, and almost the entire amount was voted to reelect the directors. Rubin presided and Leopold Friedman, general attorney, served as secretary.

Harold J. Cleary and Jay M. Eisenberg were elected inspectors of election for the ensuing year.

Form Peck Television

ALBANY, Feb. 28.—Incorporation of the Peck Television Corp. with authorized capitalization of $1,000,000 in dollar shares, has been authorized by Secretary of State Michael F. Walsh. Directors are William H. Peck, Herman Chaityn and Florence Weiss.

Mexico Approves Pact

MEXICO CITY, Feb. 28.—The Mexican Congress has approved the agreement for the granting of facilities for production of educational and peace propaganda films made at the Inter-American peace consolidation convention at Buenos Aires in 1936.

N.T.S. Booklet Out

National Theatre Supply Co. has issued a 40-page illustrated booklet on three air conditioning methods, air in motion, washed air and chilled air. The manual is available to theatre owners on request.

Capital Is Increased

ALBANY, Feb. 28. — Tri-National Films, Inc., has increased its capitalization from 100 shares to 2,000 shares, no stated par value, according to papers filed with Michael F. Walsh, Secretary of State.

NBC Stenographer Movie Quiz Winner

Helen Bernard, NBC stenographer, learned yesterday she was a winner of a $1,000 prize in the Movie Quiz contest. Miss Bernard joined the network some months ago, coming from Syracuse. She is receiving the prize money from the RKO-Keith Theater in that city.

Director-Producer Pact Signing Is Set

(*Continued from page* 1)

tors' guild has been waging a battle during this time for recognition as a bargaining agency.

Another significant meeting held last night was that of the board of the Screen Writers' Guild. Preparations were made for the opening next week of the hearing before the N.L.R.B. of the guild's charges of Wagner Act violations brought against producers.

S. W. G. already is certified by the N.L.R.B. as a collective bargaining agency. Negotiations for a contract failed when producers would not rescind the bargaining contract signed two years ago.

This contract is not recognized by the S. W. G. The guild holds that the contract was signed with the Screen Writers' guild, which it claims is a company union.

Agency Plan Prepared

At yesterday's meeting the S. W. G. put the final touches on the 19-point agency franchise plan. Later this week a guild committee headed by Kenneth Thomson will meet with representatives of the Artists' Managers Guild to thrash out one disputed point.

The contested clause is one relating to the limitation to one year of talent managerial contracts, asked by the guild. Agents contend that a one-year limit would be unfair to them as they would not have proper time to develop and realize on new personalities.

ITOA Meets Today On Anti-Censor Bill

Harry Brandt has called a special luncheon meeting of the I. T. O. A. in the Astor today to frame a bill that would end the existence of New York's eighteen-year-old censor board. Brandt said he knew at least thirty State Senators who would be willing to introduce the bill in the Legislature.

Frank Boucher Quits

BALTIMORE, Feb. 28. — Frank Boucher, vice-president and general manager of the new Linden here, has resigned, effective March 1. Boucher will take a short vacation and may join the Schine organization.

Lombard, Stewart Set

Carole Lombard and James Stewart will co-star in "Tailored by Toni" for the Screen Guild show over CBS March 12. Edward Everett Horton and Spring Byington also will appear on the program.

Quiz Awards Went Off Like A Clock, Franklin Declares

Nation-wide announcement of the 5,404 winners in the industry's $250,000 Movie Quiz contest was completed with almost clock-like precision Monday night, despite the thousand and one details involved, according to Harold B. Franklin, manager of Motion Pictures' Greatest Year campaign.

Yesterday he began to breathe a little more freely. He still has considerable work, but plans to close the campaign office in the RKO Building in about two weeks.

Delivery Fairly Smooth

Delivery of the winners' lists was accomplished fairly smoothly by the Chemical Bank & Trust Co. and correspondents. The banks handled about 6,000 deliveries, other agencies taking care of another 1,000.

There were numerous problems, including theatres burned down, changes of ownership, renamed theatres, and so on. Also, there were many repeats and duplications, some by entrants who used variations of the same name.

Another problem was to weed out those who under the rules were not eligible for prizes. The campaign office is requesting affidavits from recipients of prizes of $1,000 or more declaring that they are not connected with the industry directly or indirectly.

Announcement Response

Response to the Quiz announcements as reported from key cities follows:

Cincinnati—"All houses capacity for quiz. Public reaction enthusiastic. Sentiment favorable to quiz."

PHILADELPHIA.—"Only local reaction movie quiz results last night was criticism expressed by many exhibitors over handling prize situation. Alleged wrong winners were assigned wrong theatres, causing much confusion. Business in downtown theatres felt no increase. Neighborhoods got better results."

Omaha—"Blizzard greeted Movie Quiz winners. Helped grosses some but bad weather ruined chances. Orpheum had sneak prevue at midnight as added attraction."

Dallas—"Texas quiz awards made in heaviest dust storm of year. Attendance at Interstate's 16 theatres only fair."

Kansas City—"Snow storm prevented Movie Quiz awards. Exhibitors long ago unsold on benefits."

Indianapolis—"Although announcements were ballyhooed no increase in attendance. Nobody booed, either."

Harrisburg—"Local managers report a coldness and indifference to Movie Quiz awards as announced last night."

General Sets Dividend

LONDON, Feb. 28.—General Theatre Corp., Ltd., has declared a dividend of nine per cent, less tax, on the ordinary shares for the year ending March 31, 1939.

Mexico French Films Up

MEXICO CITY, Feb. 28.—Imports of French pictures this year are estimated at 64, the highest to be brought into Mexico in any 12 months.



5 BLUE RIBBONS

for M-G-M's Production

"LET FREEDOM RING"

1 FOR NELSON EDDY!



His performance as "The Wasp" is the most exciting on the screen today!

2 FOR THE ALL-STAR CAST!

Imagine these great personalities in one picture: NELSON EDDY, VIRGINIA BRUCE, VICTOR McLAGLEN, LIONEL BARRYMORE, EDWARD ARNOLD, Guy Kibbee, Charles Butterworth.

3 FOR THE GREAT STORY!

It is the most rousing patriotic musical romance that ever set your pulse beating. The original story and screen play is by Ben Hecht. (He gave you "Viva Villa"!) Directed by JACK CONWAY. Harry Rapf, producer.

4 FOR THE MUSICAL THRILLS!

Crammed with soul-stirring fervor is its music. Never such a wealth of love songs, of patriotic songs as Nelson Eddy pours from his singing heart!

5 FOR THE BIG PRODUCTION!

M-G-M has again given the screen a mighty entertainment. One after another they come, the Big Attractions of the screen, winning the public anew for the hits of the Friendly Company!

Bill Would Permit Iowa Chance Games

DES MOINES, Feb. 28.—A bill to legalize Bank Night and at the same time obtain revenue for old-age pensions has been introduced in the Iowa legislature by Rep. William N. Judd, Clinton Republican.

Under the provisions of Judd's measure, a tax of 10 cents would be levied on each ticket sold by any theatre or other place of amusement offering any gift or prize. Proceeds from this tax would be paid into the old-age pension fund.

Judd estimated that $3,000,000 annually would be realized from this this source.

Settlement of Para. Claim Is Approved

Federal Judge Alfred C. Coxe yesterday approved an agreement under which Paramount-Publix Corp. settled two claims totaling $1,388,368, filed against it by the City Bank Farmers Trust Co., under assignment from the Prudence Co., Inc., for $500,000.

The deal provided for payment of the claims by participation of the City Bank in the reorganization plan, through issuance by Paramount to it of $250,000 in 20-year six per cent sinking fund debentures, and 2,500 shares of cumulative convertible six per cent first preferred stock of $100 par each.

Agreement was made by Paramount on Jan. 9, 1939, with Hiawatha Co., St. Petersburg Enterprises, Inc., Associated Amusements, Inc., a subsidiary of Paramount, and Prudence Bonds Corp., and covers the settlement of the claim which arose from leases held by Paramount on theatres in Jacksonville and St. Petersburg, Fla. Settlement of the claims previously had been approved after hearings by Referee John E. Joyce, and Judge Coxe's order confirms Referee Joyce's decision.

British Preparing World's Fair Film

LONDON, Feb. 28.—Colonial Empire Marketing Board and the Colonial Office are backing a film to be made by Strand Films to be shown at the New York World's Fair. The film will publicize British Government administration in such outposts as Malaya, the West Indies, Ceylon, Kenya, Tanganyika and Uganda. Alexander Shaw is directing.

Feiber & Shea Men Shifted by Grainger

E. C. Grainger, general manager of Feiber & Shea, has returned from a two-week trip to the field, where he affected several management changes.

Joe Shagrin, with the Shea circuit 25 years, has resigned as city manager in Youngstown to go into exhibition for himself. He was in charge of two theatres in a pool with a Warner house.

Shagrin has taken over the Foster in Youngstown, O., which he will operate independently. Jack Hynes, manager in Bradford, Pa., succeeds him.

Other shifts are: Forney Bowers, from Marietta, O., to Bradford, Pa., where he will supervise the Shea, Grand and Lyceum; Duke Prince, Orpheum, McKees Rocks, Pa., to Ohio and Strand, Marietta; Vincent Choate, from Shea's Paramount, Newport, R. I., to the Orpheum, McKees Rocks; Al Foley, assistant manager in Ashtabula, O., to Newport in two weeks; Dan Gilhula, State and Cort, Cambridge, O., to Paramount and Strand, Fremont, O., and W. O. James, Fremont to Cambridge.

Ohio Town Prohibits Insurance on Games

ZANESVILLE, O., Feb. 28.—Theatre Bank Night insurance is illegal here under a new city ordinance designed to eliminate the sale of "protection" on such winnings. Meanwhile the council has passed an ordinance taxing the Bank Night proceeds of local theatres.

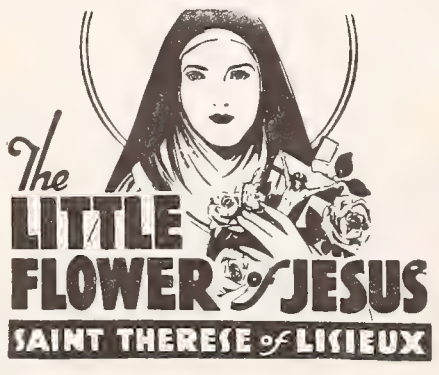
British Benevolent Fund Faces Deficit

LONDON, Feb. 28.—Cinematograph Trade Benevolent Fund last year expended more money in relief than it received in income.

The upkeep of "Glebelands," its rest home, costs $75,000 a year. A garden party has been arranged for June 10 to raise funds for "Glebelands."

Take "Flower" Rights

Sunray Films have sold New York territorial rights on the English talking version of "The Little Flower," to Principal Film Exchange. William Grande of Pittsburgh has acquired distribution rights for western Pennsylvania, where it already has been booked by the Warner, Notoupolis and Mannos circuits.



A GREAT PICTURE
FOR THE LENTEN SEASON
SOMETHING DIFFERENT
THE ONLY AUTHENTIC

English Talking Picture

OF THE ENTIRE LIFE OF SAINT THERESE OF THE CHILD JESUS

TESTIMONIALS

"A fine and beautiful piece of work."—*Jean Cardinal Verdier, Paris.*

"For those communities in which *Cloistered* and *Monastery* have been shown with success, this production should do equally as well . . . a deeply beautiful and reverent offering. . . ."—*Showmen's Trade Review.*

". . . THERE IS MORE UNITY HERE THAN IN EITHER 'CLOISTERED' OR 'MONASTERY' . . . "—*Commonweal*

SUNRAY FILMS, INC., 220 West 42nd St., New York

Build Theatre for Refugee Children

London, Feb. 28.—A special film theatre for the use of European refugee children is to be built and equipped by Odeon at Richborough, Kent.

CEA Seeking Cuts In Admission Tax

LONDON, Feb. 28.—A new effort to obtain a reduction in the entertainments tax is being made by the Cinematograph Exhibitors' Association, which seeks a reduction of the levy on seats costing up to nine pence, to a halfpenny.

A written appeal has been submitted to Sir John Simon, Chancellor of the Exchequer, reminding him of his promise last year that the entertainment tax would be the subject of a full review by his department prior to the introduction of this year's budget. No Parliamentary campaign will be launched. The potential benefits to employment will be cited in favor of the reduction.

Col. District Heads Meet Here Tomorrow

Columbia's district managers will hold a two-day meeting with home office officials here beginning tomorrow. Forthcoming product will be discussed with Abe Montague, general sales manager, presiding at the sessions.

All Columbia district managers will attend. They are Sam Galanty, mid-eastern; Carl Shalit, central; Jerome Safron, western; Sam Moscow, southern; Phil Dunas, midwestern, and Nat Cohn, New York division manager. In addition, Harry Weiner, Philadelphia branch manager, and Harry Rogovin, Boston branch manager, will attend.

From the home office, in addition to Montague, will be Rube Jackter, Louis Astor, Lou Weinberg, Max Weisfeldt, Leo Jaffe, Maurice Grad and George Josephs.

Cooper Will Conduct Acme Ticket Hearing

Morris Cooper, Jr., attorney, has been designated by N. Y. Supreme Court Justice Samuel Hofstadter to conduct hearings on the suit of Michael Atlas and Walter Friedman, doing business as Acme Ticket Agency, against the League of N. Y. Theatres, Inc., and Actors' Equity Association. They seek an injunction to restrain enforcement of the code for the sale of theatre tickets on the ground of alleged conspiracy to create a monopoly. Hearings will start in the near future.

Early Trial Ordered

N. Y. Supreme Court Justice Aron Steuer ordered early trial of the suit of Jewish Court of Arbitration, Inc., against Jewish Radio Service, Inc., Voice of Brooklyn, Inc., also called WLTH Radio Theatre, and Samuel J. Gellard, and set aside a previous order settling the action. Plaintiff is asking for an injunction to restrain alleged wrongful use by the defendant of the radio title "Jewish Court of Arbitration" in broadcasts.

Quota Unaffected By U.S. Trade Pact

LONDON, Feb. 28.—Oliver Stanley, president of the British Board of Trade, declared today in the House of Commons under questioning by Admiral Taylor that there has been no undertaking on the part of the British Government, concerning the Films Act, given in connection with the Anglo-American trade pact.

The trade agreement between the United States and England was signed recently, and at the time there was some speculation as to its affect on the Films Act, with its quota provisions relative to American films. Apparently, the Films Act was not referred to in the drafting of the trade treaty.

Branson, Gittleson Back from RKO Trip

Walter Branson, captain of the RKO George Schaefer sales drive, and Harry Gittleson, editor of the company's house organ, returned yesterday from a tour of exchanges which included 38 field units in the United States and Canada.

The two were away about one month, during which time Gittleson put out the house organ from the field. Following conferences at the home office, Branson will start on a second tour of RKO branches on behalf of the drive.

Tippetts Are Denied Dismissal in 'U' Suit

Legal sufficiency of the suit of Universal Pictures Co., Inc., against John D. and Eugene T. Tippett for $270,000 alleged secret profits has been upheld by N. Y. Supreme Court Justice Samuel I. Rosenman. He denied the request of the defendants to dismiss the complaint. Suit claims profits were made on contracts for the sale of film raw stock awarded to defendants on which, it is charged, Carl Laemmle, former president of Universal, split commissions with the defendants.

Justice Rosenman ruled that Universal did not have to allege that it paid $270,000 over and above the actual value of the film raw stock purchased.

Try Out Stage Ballet

CHICAGO, Feb. 28.—Chicago Theatre is trying a new stage show idea. Dropping the straight vaudeville policy momentarily the theatre is using the Littlefield Ballet as the sole stage attraction. Public reaction to this type of entertainment has been very good.

CEA Dinner March 14

LONDON, Feb. 28.—Annual meeting and dinner of the Cinematograph Exhibitors' Association will take place March 1 at Grosvenor House. Sir John Anderson, Lord Privy Seal, will be guest of honor and principal speaker.

Two Companies Formed

ALBANY Feb. 28.—New companies chartered here include Risa Amusement Corp., by Joseph G. Hall, Charles P. Liff and Shirley Scott, and Elbow Theatre, Inc., by Blanche Mahler, Vera Mergentime and Rose Ritter.

WMCA Issues New Discount Rate Card

A new rate card inaugurating discounts for volume time sales was issued by WMCA yesterday, effective March 1. The new card, conforming to the standard rate practices of major stations, maintains WMCA's basic rate structure of $650 per hour.

Discounts, which are intended to encourage radio time buying in greater volume, range from 2½ per cent to 15 cent on weekly billings upward of $250 per week. Consecutive periods upward of 26 weeks are subject to additional discounts of from five to 10 per cent.

Dismiss Crummit Suit

Federal Judge Samuel Mandelbaum after trial has dismissed a $50,000 suit against Frank Crummit, radio singer, and Batten, Barton, Durstine & Osborn, brought by Adelina Francis Ryan. Plaintiff had contended that the words of the song, "The Gay Caballero" infringed upon her song, "Her Old Spanish Shawl."

FCC Calendar

WASHINGTON, Feb. 28.—Broadcasting license of KUMA, Yuma, Ariz., has been revoked by the Federal Communications Commission, effective April 1.

The commission's order of revocation explained that, among other reasons for its action, it appears that Albert H. Schermann, holder of the station's license, made false statements under oath in an application for renewal to the effect that he was in actual control and operation of the station, whereas in fact E. B. Sturdivant was, and at all times since February 1, 1934, had been in actual control and operation.

New hearing date set by the commission was March 27, when testimony will be taken on the applications of the Spartanburg Advertising Co. for a 1,370-kilocycle station at Spartanburg, Pa., and Cabarrus Broadcasting Co. for a 1,370-kilocycle station at Concord, N. C., both with 100 watts night, 250 watts day, and WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

A new station at Atlantic City was sought by the Neptune Broadcasting Corp., to operate on 1,500 kilocycles with 100 watts power night, 250 watts day. A station at Fort Lauderdale, Fla., was proposed by Tom M. Bryan, to operate on 1,370 kilocycles with 100 watts night, 250 watts day, and the Mollin Investment Co. proposed a station at Palm Springs, Cal., to operate day only on 1,200 kilocycles with 100 watts power.

The commission has set hearings March 2 on applications of KROC, Rochester, Minn., for change of frequency from 1,310 to 920 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day; South Nebraska Broadcasting Co. for a 920-kilocycle station at Hastings, Neb., with 1,000 watts night, 5,000 watts day; J. Samuel Brody for a 1,310-kilocycle station at Sumter, S. C., with 100 watts night, 250 watts day, and WIS, Columbia, S. C., for a 10 to 100 watt satellite station at Sumter, S. C.

Radio Personals

ED FISHMAN, head of the orchestra department of the William Morris agency, has returned from Chicago . . . Orchestras just signed with the William Morris agency include Bob Grant, Pinky Tomlin and Spud Murphy . . . Lamb's Club ping pong doubles champs, including Jack Whiting and John Colt, are playing Waring's Pennsylvanians in a current tournament . . . Waring, incidentally, has turned song writer and will shortly introduce "The Song Is the Thing," his tune . . . The Fred Hufsmiths are in Miami to attend the funeral of Hufsmith's father . . . Benny Goodman opens at the Lyric in Indianapolis March 3.

NBC Using Allen in Midnight Show Test

To test audience reaction to a big program at midnight, NBC for the next 10 weeks will air the regular midnight repeat of the Fred Allen "Town Hall Tonight" program, over WJZ. The series always has had a midnight repeat program, but for west coast listeners only.

If reaction is favorable, it is believed NBC will attempt to sell a pretentious program during the late evening and early morning hours. No charge is being made to Bristol-Myers, sponsors of the Allen program, for the free midnight airing over WJZ.

New Serial Will Be Put on 10 Stations

OMAHA, Feb. 28.—"The Jangles," a serial sponsored by J. C. Penney Co. over WOW here, will be aired over 10 stations starting April 1. Jettabee Ann Hopkins, writer and star of the story, will leave for New York March 13 where she will assemble a new cast.

The serial, under a different name, will be broadcast by electrical transcription over the additional stations under Penney stores sponsorship. It has had a 26-week run as a test here. Pedlar and Ryan, New York, are handling the account.

Ornato to Produce Television Pictures

Century Television Corp. has been formed here to produce motion pictures for television. Joseph Ornato heads the firm. The organization is to begin immediate production on a series of comedy shorts featuring children, with a similar series planned for television transmission when televised programs are made available to the public. Casting for the first production is to begin this week.

'Buck Rogers' to Return

"Buck Rogers," at one time heard as a live network program, will return to the air in April as a transcribed series under the sponsorship of Joe Lowe Corp. The series will be written and directed by Jack Johnstone of the Biow agency, and will be broadcast over WOR and about 90 other stations.

Blind Issue Radio Paper in Braille

Cincinnati, Feb. 28.—One of the most unique papers in this section of the country is the *Braille Radio News*, published by the Clovernook Home for the Blind at Mt. Healthy. Blind girls, transcribing from dictaphones, punch dots by machines into metal plates to form Braille characters. A girl with normal vision proofreads with a blind girl, and two blind girls proofread the entire Braille pages.

Permission is granted by leading radio publications to use program listings and other material.

Take NBC Thesaurus

NBC Thesaurus Service department has signed six new clients, and eight stations have renewed their contracts for the transcription service. New subscribers are KVWC, Vernon, Tex.; KVOA, Tucson, Ariz.; WEBR, Buffalo; WCOL, Columbus, O.; KDON, Monterey, Cal., and VP3PG, Georgetown, British Guiana. Renewing stations are WFLA, Tampa; KZRM, Manila, Philippines; WOMI, Owensboro, Ky.; WAIR, Winston-Salem; WOW, Omaha; WCSH, Portland, Me., and WSGN, Birmingham.

Power Break Hits WABC

A break in the power circuit cut WABC off the air yesterday for 55 minutes during the afternoon, from 2 to 2:55 P.M.

NAB, Lang-Worth Set Deal on Music

WASHINGTON, Feb. 28.—The N. A. B. and Langlois-Wentworth have agreed to join forces in providing tax-free music for the broadcasting industry. Lang-Worth Features Programs, Inc., is to take over the N. A. B. Bureau of Copyrights contracts, calling for 100 recorded hours of tax-free music. Twenty hours already have been provided, with the remaining 80 to be supplied from the Lang-Worth library at the bureau price of $10 an hour.

Lang-Worth then is to supply an additional 200 hours over a period of two years, to bring the total to 300 hours. The 200 new hours are to be sold at $10 an hour, plus increases resulting from a new A. F. of M. contract. It is understood that the price will be less than $15 an hour.

The additional 200 hours are to include a substantial percentage of new, original dance music with lyrics. Recording of new material will be under the supervision of an advisory committee of broadcasters. N. A. B. will work with Lang-Worth on the entire program.

Disney to Broadcast

Walt Disney will give a talk on "Stimulating the Child's Imagination" on a special NBC program saluting the opening of National Children's Week, over the Red network at 7:30 P. M., Monday, March 6.

Jack Stapp Quits NBC

Jack Stapp, assistant to production director John Carlyle at CBS, has resigned to become program director at WSM, NBC station in Nashville

IN MEMORY

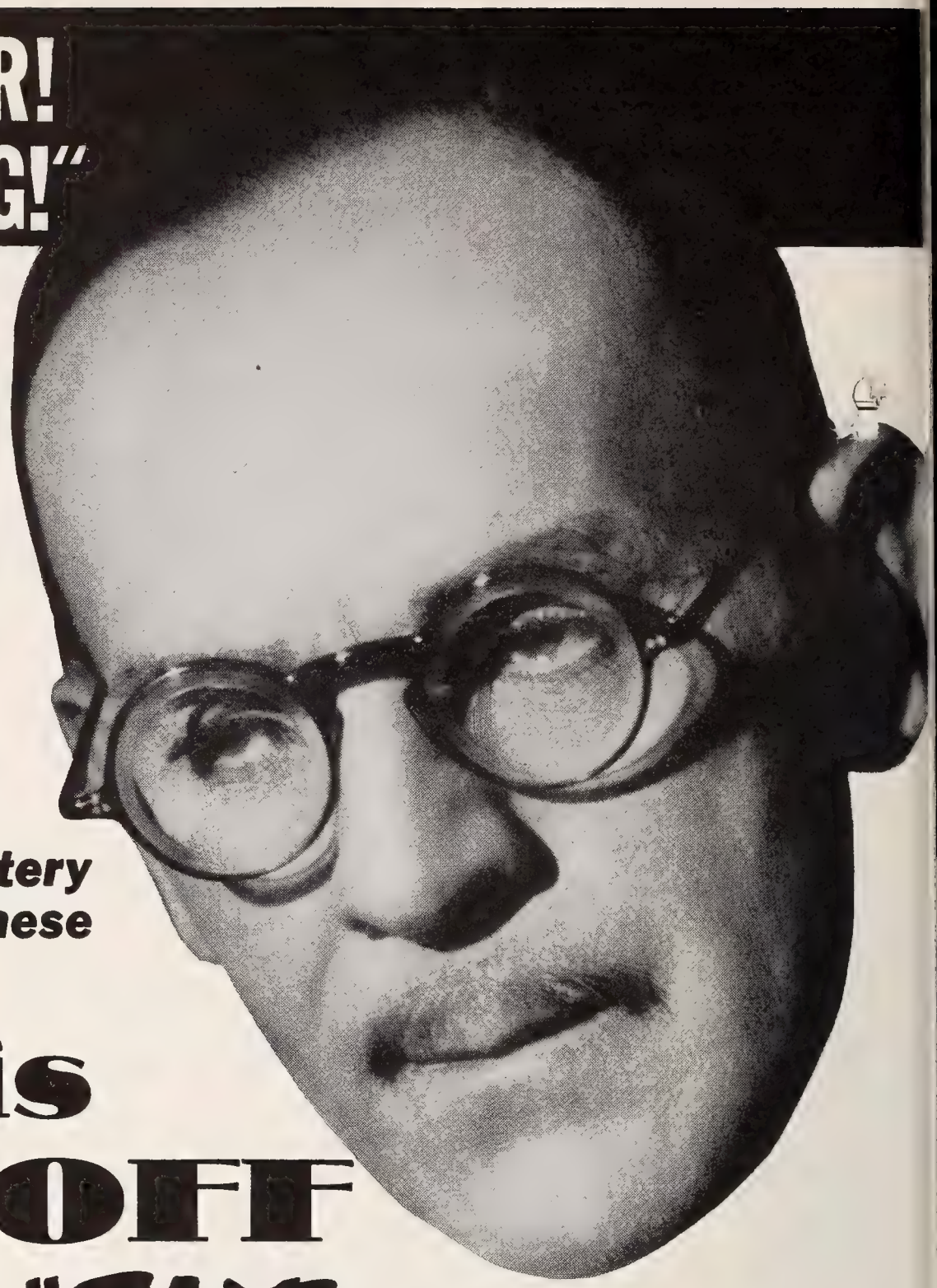
OF

OUR DEAR FRIEND

JOSEPH BRANDT

COLUMBIA PICTURES CORPORATION

"THIS IS MURDER! CALL IN MR. WONG!"



In all Frisco . . . only one man had the cunning to pierce the web of intrigue that led to the lair of an invisible killer!

More tingling mystery thrills from the new Chinese detective sensation!

boris KARLOFF



IN "THE MYSTERY OF Mr. WONG"

WITH

GRANT WITHERS
DOROTHY TREE
CRAIG REYNOLDS

Directed by WILLIAM NIGH

Associate Producer WILLIAM LACKEY

Screenplay by Scott Darling • Based on the "James Lee Wong" series in Collier's Magazine written by Hugh Wiley

MONOGRAM PICTURES

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Alert, Intelligent and Indispensable to the Motion Picture Industry

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VOL. 45. NO. 41 NEW YORK, THURSDAY, MARCH 2, 1939 TEN CENTS

Dissension in F.C.C. Ranks Flares Again

McNinch Voices Stinging Attack on Craven

WASHINGTON, March 1. — Long smoldering dissension in the Federal Communications Commission burst into flame today with a stinging attack on Commissioner T. A. M. Craven by Chairman McNinch, prompted by the newspaper display given Craven's minority report on complaint procedure, issued in connection with the commission's decision Monday to abandon the policy of placing stations on a temporary basis when complaints were received.

Charging Craven with having indulged in a "stump speech and flag waving" in his report, in which he urged the commission to avoid all implications of censorship, McNinch assailed him for having "by implication, attacked the intelligence, integrity and motives of the other six commissioners, to execute a grand stand play of devotion to free speech and opposition to censorship."

The chairman declared no important change is to be made in the procedure for handling complaints, only 10 per cent of which are worthy of consideration, and he pointed out that Craven, in the opening sentence in his report, expressed agreement in principle with the commission majority. In the only two cases in which the commission has been attacked on censorship ground—Mae West and "Beyond the Horizon"—Craven was a party to the commission's actions, McNinch asserted.

500 at Joe Brandt Funeral Services

Funeral services for Joe Brandt, veteran industry figure for many years identified with Columbia Pictures, who died Feb. 22 on the coast at 56, were attended by 500 at the West End Funeral Chapel yesterday afternoon. Among the mourners were many who had been associated with Brandt in his 30 years in the industry.

Services were in charge of the Pacific Lodge of Masons, of which Brandt was a member, and were conducted by Paul Gulick and Pete Siebel. Jack Cohn, vice-president of Columbia, was marshal.

Rabbi Louis I. Newman of Rodeph Sholom Temple, in his eulogy, spoke of Brandt's activities in the industry in the pioneering days and referred to

(*Continued on page* 11)

I.T.O.A. Demands Censor Law Repeal

Repeal of the New York censor law is demanded in a resolution adopted at a meeting of the I.T.O.A. yesterday at the Astor. Milton C. Weisman, the organization's counsel, was instructed to draft a bill for repeal which will be introduced in the legislature. The legislative committee consisting of Bernard Barr, chairman, George Rudnick and Rudolph Sanders, was authorized to enlist the support of all exhibitors in the state.

The resolution declares that censorship is not necessary or advisable and is an undue burden on exhibitors.

Figure Para.'s '38 Earnings At $4,096,000

Paramount's earnings for 1938 were estimated by the company yesterday at $4,096,000. The figure compares with net profit of $6,670,103 for the preceding year.

Estimated earnings for the final 1938 quarter were $2,220,000, or more than half the indicated net for the entire year. The estimate for the last quarter includes $340,000 representing net capital and non-recurring income, and $87,000 profit on purchase of Paramount debentures. However, it

(*Continued on page* 11)

New Dividend Puts Loew Total at $1.50

Regular quarterly dividend of 50 cents a share on the common stock was declared yesterday by directors of Loew's, Inc., payable March 31 to stockholders of record March 14. This brings the current fiscal year's dividends to $1.50, compared with $2 for the corresponding period year before.

The directors reelected all officers, as follows: Nicholas M. Schenck, president; David Bernstein, vice-president and treasurer; Arthur M. Loew, first vice-president; J. Robert Rubin, Alexander Lichtman, Edgar J. Mannix, Sam Katz, Edward A. Schiller, vice-presidents; Leopold Friedman, secretary; Benjamin Thau, Isidor Frey, H. Helborn, assistant secretaries; Jesse T. Mills, comptroller and assistant secretary; Charles C. Moskowitz, Charles K. Stern, Nicholas Nayfack, Len Cohen, R. Lazarus, assistant treasurers.

U. S. SHARPENING INDUSTRY ATTACK

Weeks Is Named as Vice-President for Sales of Monogram

George W. Weeks was named vice-president in charge of sales by Monogram's board of directors following the annual stockholders' meeting at the company's offices yesterday. Leon Fromkess, treasurer, and Norton V. Ritchey, foreign sales manager, were added to the board which was increased from seven members to nine.

W. Ray Johnston was reelected president, Scott R. Dunlap, vice president in charge of production, Edward A. Golden, vice president in charge of exchanges, Fromkess, treasurer, Hugh G. Davis, assistant treasurer and Ben S. Agren, comptroller.

Fiscal year was altered to end June 30 instead of Dec. 31, and the date of the stockholders' meeting was changed to the first Wednesday in October. The next report will be rendered for the six months ending June 30, 1939, and annually thereafter. In addition to Fromkess and Ritchey, the board will consist of Johnston, Dunlap,

(*Continued on page* 11)

'Mamlock' Is First Amkino to Get Seal

An Amkino film has been given a Production Code seal for the first time. "Professor Mamlock" was screened for Hays office officials in the east recently, and the seal was issued after two minor deletions were made, one of a scene involving a girl and the other a brutal third degree scene. The film deals with Nazi persecutions.

Amkino had never applied for a code seal before. Its application in this instance was due to the attitude of affiliated circuits that they cannot book the film without a seal.

In confirming that a seal had been issued, Carl E. Milliken, secretary of the M.P.P.D.A., said this indicated merely that "Professor Mamlock" conformed with all the standards of the Production Code and that this has "nothing to do with approval or disapproval of the theme of the picture."

Amkino is negotiating for eight films from American major companies. The last purchase here was of Charlie Chaplin's "City Lights" and "Modern Times," in 1936.

To File Additional Suits For Local Violations Of Trust Laws

By BERTRAM F. LINZ

WASHINGTON, March 1.—New suits to be brought against major film companies by the Department of Justice will not interfere with the pending New York anti-trust suit or Secretary of Commerce Hopkins' program for improved Government-business relations, it was said here today.

Department of Justice officials, while refusing to discuss their plans in detail, indicated that new prosecutions, said in some quarters to number as many as 10, will deal specifically with the situation in particular territories and will involve alleged infringement of anti-trust statutes, each violation of which may be made the subject of a separate prosecution.

Continue "Trust Busting"

The Administration's new program of business encouragement will not go to the extent of condoning monopolistic practices or anti-trust violations, and no abandonment of its "trust busting" campaign and enactment of new monopoly statutes is being considered. On the contrary, the anti-monopoly drive may be further intensified next summer when the Department of Justice gets the increased funds it is asking for its anti-trust division.

Administration officials believe that recovery will be advanced more quick-

(*Continued on page* 11)

Neb. 'Divorce' Bill Dies in Committee

Lincoln, Neb., March 1.—Nebraska's theatre divorcement and film regulation bill was killed in legislative committee today.

Farley Young, deputy county attorney, attacked the proposals as inimical to the industry as a whole. He said it would put film distribution under supervision of the State Railway Commission and require each film exchange to pay $1,000 annually and $1 per reel, and that the costs of about $20,000 annually would be passed on to the exhibitors.

Affiliated theatre divorce bills are pending in Missouri and Kansas.

Purely Personal

W. RAY JOHNSTON, Monogram president, with SCOTT R. DUNLAP, production head, and TREM CARR, production executive, leave tomorrow for the coast to set the new season's program.

•

STANTON GRIFFIS left for Florida yesterday.

•

HARRY BUXBAUM leaves for Palm Beach today.

•

LEO ROBIN who, with RALPH RAINGER, won the Academy award for the song "Thanks for the Memory," is here for a short vacation.

•

MORRIS HELPRIN, ALEXANDER KORDA's publicity representative here, sails tomorrow on the *Normandie*.

•

NAT COHN, Columbia branch manager; MOE FRAUM and SEYMOUR SCHUSSEL, salesmen, vacationing in Florida.

•

BORIS MORROS arrives tomorrow on the *Aquitania* from Paris.

•

H. M. RICHEY, director of theatre relations for RKO, is due today from Philadelphia.

•

AL HATOFF, assistant house manager at the Roxy, is the father of a girl, ROCHELLE BARBARA.

•

DEL CAMBRIDGE and BEN HILL, United Artists publicity men, in Oklahoma City this week on exploitation.

•

MR. and MRS. WALTER READE returned from Miami yesterday.

•

SOL TRAUNER, manager at Columbia's New York exchange, and JACK HATTEM of the Interboro Circuit leave tomorrow for a two-week Miami vacation.

•

REX INGRAM has returned to New York from the coast, where he appeared in M-G-M's "Huckleberry Finn."

•

SAM SHAIN has returned to New York from Miami.

•

BRUCE LOCKHART is here from London with a couple of film scripts.

•

EDWARD ARNOLD will arrive tomorrow for a vacation.

•

G. L. CARRINGTON, vice-president and general manager of Altec, is en route to Detroit and Chicago on business.

•

BERT TURGEON, booker for Standard Theatres, in New York on booking deals.

•

ELLIOT NUGENT has shortened his vacation in New York to return to Hollywood today for Paramount's "The Cat and the Canary."

•

CAROLYN BARRETT, receptionist at the United Artists home office, is convalescing at St. Luke's Hospital following an operation.

Insiders' Outlook

By SAM SHAIN

EN route north via Eastern Air Lines plane, March 1.—With three railroad tickets in our pocket and reservations on two additional trains, we finally decide to return north by plane. Our friends who were to have returned with us changed their minds so frequently that we finally found ourselves going back alone and by air.

We had to protect ourselves amply in order to make sure that we would get back north and not get stuck down here for another two weeks. You can't take anything for granted here, as we told you before.

Just as we think that we are all set, we learn from the E.A.L. officials that the chances for getting through to Newark are not good and that we might have to ground at Charleston. What would happen from there nobody knows! But we take the plane anyway because we've already turned in our railroad tickets. And we meet Ralph Rolan, of RKO, whom we are glad to see. It is an eventful trip.

▼

It hails and rains all the way after we leave Jacksonville. Before this, at West Palm Beach the plane is held a few minutes for a woman passenger hurrying to catch a boat in New York for Europe. The plane now is fully occupied. Near Jacksonville we experience only a few bumps and the weather is warm and fine. It was 108 degrees in West Palm Beach.

The passengers are hungry before reaching Charleston as most of them didn't have time for lunch. Fortunately, at the suggestion of the flight steward, none of us ate. Just about when we are thinking of eating the ship starts rocking on up-and-down air currents. By this time it is cold in the cabin. Some of us have our legs wrapped in blankets. The plane is doing acrobatics! We think the Flying Yacopis and the Three Marx Brothers are doing a joint act.

The rain is smashing against the window panes and on the roof of the plane. One passenger remarks that he remembers riding this way on a roller coaster as a child, but he is putting it mildly because at the very moment the plane shakes so strongly that we are tangled up in the blankets, pillows, hats and other pieces falling from the upper compartments of the plane. Everything except the passengers goes topsy turvy. The lunches that we were anticipating eating turned over too, and were almost lost.

Of course everybody came up smiling. A moment later we put our hands up to our face and neck and we feel a cold sweat up and down our back. The plane makes Charleston on time! Here the the ship is grounded until it is certain the weather ahead improves. This is where we eat, and we are glad that we can do so.

All other planes that day had been cancelled and the only plane going through was the one going south to Miami, which took off just about the time we left for Charleston.

We remain in Charleston about a half-hour before word is given that it is safe to go on to Richmond. There is only a 300-foot ceiling at Washington and Newark is zero—Zero!

The plane is off to Richmond and gets there a half-hour late. Some of the passengers are wondering whether they'll get home at all that night. If anybody is worried he doesn't show it. Captain R. C. Young visits with the passengers and when we meet him we know if anybody will pull us through, he will! He has flown nearly 9,000 miles. The lunch is okay.

Ralph Rolan is disturbed because he wants a change of clothing and a few hours in the office before going on to Chicago for the RKO-Lasky-Wrigley radio-film screen test finals.

▼

We learn now that we had a 29-mile tail wind from Charleston and that our plane is traveling at the rate of 204 miles an hour. That brings a smile to Rolan's face. Just before Richmond we are told we would get through to Washington but it isn't certain whether we could go beyond Washington. That tail wind helps us reach Washington only 15 minutes late, which gives you an idea of how fast we were traveling from Charleston. We are told we could have some lunch in Washington—that we would remain there for about 45 minutes or longer. While Rolan and we are having a glass of buttermilk at the Hot Shoppe, Carroll Hyde, the flight steward, comes in to tell us we can now go on to Newark.

▼

The plane is delayed 45 minutes when we leave Washington for Newark and the weather is still pretty blue. About 20 minutes of riding and we are sailing on the end of a 70-mile tail wind. The plane is traveling 240 miles an hour!

The plane, under the command of Captain Young, sails into Newark only 15 minutes later than scheduled time and probably breaking the passenger record from Washington to Newark, making that trip in 55 minutes. We thank Captain Young for the wonderful ride, as we learn our ship was the only one to get through to the north this day. Swell piloting, we say!

And so we are here, and glad to be back!

▼

The exodus from Florida had begun in earnest as we left Miami Beach today.

Mr. and Mrs. Leo Spitz probably will be back in New York in about two weeks. Mr. and Mrs. E. L. Weisl, Mrs. Hal Horne, Morgan Kaufman and Burt Seymour leave Friday. Dan Arnstein already has gone. Perhaps by this time Mr. and Mrs. Willard McKay also have left. Mr. and Mrs. Hamilton C. Rickaby went north several days ago. Arthur Willi has gone. Mr. and Mrs. Herman Robbins, the Herman Wobbers, Major and Mrs. Albert Warner and John Harris are staying on.

▼

If we go to Florida again it seems to us we will go in March or December. Those who know this part of the country claim that is the best time to be down here. It costs less and the weather is good. Also, the chances of getting a real rest are better than when this area is jammed with people as in the peak month of February, or in January.

Florida is no place to keep pace with friends. Time is too short for that.

We are told the Florida season officially ends on Saturday. That's the big racing day at Hialeah Park and apparently the season follows the Hialeah trend.

Oakie's Mother Dies

HOLLYWOOD, March 1.—Mrs. Evelyn Offield, mother of Jack Oakie, died last night while being taken to a hospital after having suffered a paralytic stroke.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

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THE RECORD!

THE RECORD OF WARNER BROS.' PERFORMANCE FOR 1938-39

Warners made it!	**Four Daughters**
Warners made it!	**The Sisters**
Warners made it!	**Brother Rat**
Warners made it!	**Angels With Dirty Faces**
Warners made it!	**Devil's Island**
Warners made it!	**Dawn Patrol**
Warners made it!	**Valley of the Giants**
Warners made it!	**They Made Me A Criminal**

Warners made it! **Blackwell's Island**

Warners made it! **Naughty But Nice**

Warners made it! **Hero for a Day**

Warners made it! **The Oklahoma Kid**

Warners made it! **You Can't Get Away With Murder**

Warners made it! **Wings of the Navy**

Warners made it! **Dodge City**

Warners made it! **Confessions of a Nazi Spy**

Warners made it! **Juarez**

Warners made it! **Each Dawn I Die**

Warners made it! **Yes, My Darling Daughter**

Warners made it! **Family Reunion**

Warners made it! **The Kid From Kokomo**

Warners made it! **Dark Victory**

Warners made it! **Hell's Kitchen**

Warners made it! **The Roaring Road**

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24 TOP-BRACKE
Two Outstanding Attr

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FOR 1939-1940

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OF THESE
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actions Every Month!!

DECISION:

"Warner Bros. are so far ahead it's hard to tell who's second!"

U. S. Is Sharpening Attack on Industry

(Continued from page 1)

lv by eliminating monopoly wherever and in whatever form it is found. They explain that the new policy of cooperation is aimed at removing tax burdens and other handicaps on legitimate industry.

It is held that there is room for both big and little business but that giant corporations must not encroach upon the field of the independent with a view to stifling competition.

Los Angeles Suit Hinted

Department of Justice officials have declared that if any ground for a suit is found as a result of an investigation of alleged monopoly in the Los Angeles area, such action will be brought. The two-year probe is nearing completion and a report is to be sent to Washington in two weeks.

New York distributor comment is that the anti-trust suit pending here is in the nature of a test case and that the Government never gave any assurance that it would discontinue bringing other suits where an alleged wrong may be found.

The Government's suit against B. & K. and major companies in Chicago was brought considerably after the New York action. This is the only other Government suit pending against film interests.

500 at Joe Brandt Funeral Services

(Continued from page 1)

his energy and that his associates called him "a human dynamo." Rabbi Newman also spoke of Brandt's love of his family, devotion to his religion, and his sense of humor.

Cantor Joseph E. Wolfe of Temple Israel, where Brandt was a member, and the Pacific Lodge quartet assisted in the services. Burial was in the family mausoleum at Westchester Hill Cemetery at Mt. Hope.

A large representation from Columbia Pictures at the funeral included Jack Cohn, A. Montague, Joseph A. McConville, Rube Jackter, Lou Weinberg, Lou Astor, Max Weisfeldt, Hal Hode, Max Seligman, Al Seligman, Leo Jaffe, Mort Wormser, Dave O'Malley, Hortense Schorr, Sam Liggett, George Josephs, B. Birnbaum, Milton Hannock, John Kane, R. Philpott, Ben Morris, F. Deitsch, Hannah Kass, Rose Slaten, Ruth Greenfield, Mimi Levenson, Rose Hand, Catherine Phelan, Betty Stearns, Etta Levoff, Fan Melman, Fay Rothman, Fred Izzo and Henry Straus.

Among others were Joseph H. Gallagher of Associated Publications, who was associated with Brandt 35 years ago in the Hampton Advertising Agency; Jules Levy, John C. Flinn, Harry G. Kosch, Charles Rosenzweig, P. A. Powers, Sam Sax, Harry Weiner of Philadelphia, Sam Stern, Dave Chatkin, A. P. Waxman, Sol Bornstein, Sol Edwards, Charles Schwartz, J. Kerner, Jeanne Dressler, Charles Zenker, Morris Levy, M. A. Schlesinger, Joseph Cohn and Myer Beck.

Nickelodeon Nights In Lounge of Hotel

Madison, Wis., March 1.—Park Hotel cocktail lounge here has announced "Nickelodeon Nights," a new entertainment program featuring old silent films. Films to be shown include "The Tramp," and an Our Gang comedy, "Love My Dog." The hostelry is assessing a new cover charge in connection with the showing.

SAG Agrees to Lend Music Guild $5,000

Screen Actors' Guild has agreed to lend the American Guild of Musical Artists $5,000 to aid the latter's organizational campaign. Actors' Equity has agreed that when the American Federation of Radio Artists starts to return loans, priority will be granted to A.G.M.A. At present, A.F.R.A. owes Equity and S.A.G. $18,000 each and $5,000 to A.G.M.A.

It is understood that A.G.M.A. will return the present loan to S.A.G. as soon as the money is received from A.F.R.A. and that S.A.G. demanded that the priority be granted. A.F.R.A. officials would not say when they would start repayment.

RKO's 'Abe Lincoln' Deal Not Completed

Deal between RKO and Max Gordon, who purchased the film rights to "Abe Lincoln in Illinois," by Robert E. Sherwood, for a reported price of $275,000, has not been completed and details will not be available until early next week. The play will end its Broadway run in the early summer with both Sherwood and Raymond Massey, star of the play, going to Hollywood. Plans for a road company have been cancelled, but there is a possibility that the play may be resumed in the fall.

Scully to Set Plans For Universal Meet

Plans for Universal's annual sales meeting will be completed by W. A. Scully, general sales manager, on his return to New York about the middle of next week from new season product conferences at the studio.

The final product conferences get under way today with Cliff Work, studio head; Matthew J. Fox, vice-president; F. J. A. McCarthy, eastern sales manager, and W. J. Heineman, western sales manager, participating. Heineman will make a tour of his western offices following the conferences.

CEA, Stevenson to Talk Erpi Charges

LONDON, March 1.—Officials of the Cinematograph Exhibitors' Association will meet with T. Kennedy Stevenson, president of Erpi, now here, tomorrow to discuss service charges.

The C.E.A. has recommended to its members that they refrain from renewing their Erpi contracts, but concessions are expected. Stevenson, however, has made no promise of cuts.

'Darling' Hits Snag In Chicago, Omaha

"Yes, My Darling Daughter" struck two more censorship snags, in Chicago and Omaha, yesterday. Albert S. Howson, Warner censorship director, wired instructions to the exchanges for cutting the film into the same version which was passed by the N. Y. Board of Regents here and expects to have both passed.

In Chicago, where the film was set to open at the Chicago tomorrow, it was passed for adults only. However, the exchange voluntarily postponed the opening date one week and will seek a general audience permit.

Mayor Dan Butler of Omaha called a special meeting of the City Welfare Board to consider the film. It was due to open at the Brandeis today. The board unanimously disapproved the picture. The legitimate stage version is now in rehearsal there and will open at the Community Playhouse. The board will view a cut version of the play today.

'38 Para. Earnings Put at $4,096,000

(Continued from page 1)

does not include $445,000 in dividends received from subsidiaries in excess of Paramount's net interest as a stockholder in the combined earnings for the quarter, such excess representing a partial distribution of share of earnings of previous quarters. Results for the quarter compare with a loss of $26,000 for the corresponding 1937 quarter, after deducting $795,000, representing the amount of dividends received from non-consolidated subsidiaries in excess of Paramount's net interest as a stockholder, the excess representing a partial distribution of share of earnings of previous quarters.

The $4,096,000 estimate for the year includes $260,000 representing net capital and non-recurring income, $332,000 profit on purchase of debentures of Paramount Pictures and $1,215,000 representing the company's interest as a stockholder in the combined undistributed earnings for the year of its partially owned non-consolidated subsidiaries. The 1937 net of $6,670,103 includes $625,000 representing Paramount's interest as a stockholder in the combined undistributed earnings for the year of partially owned non-consolidated subsidiaries.

After deduction of $1,186,074 for dividends on the company's first and second preferred, the remaining $2,909,926 of estimated 1938 earnings represent $1.18 per share on the common.

Huck Finn' on Today; 'Stagecoach' at Hall

"Huckleberry Finn" opens today at the Capitol and "Stagecoach" bows in at the Music Hall. "Honolulu" grossed an estimated $26,000 in eight days at the Capitol. Second week of "Made for Each Other" at the Music Hall drew an estimated $71,000.

In its first week at the Paramount, "Cafe Society" attracted an estimated $53,000. "Blackwell's Island" opened to excellent business at the Globe yesterday with an estimated $3,000 for the day.

Trade Pact Vote by Allied Is Indefinite

Meeting of Allied's directors to vote on the distributors' trade practice proposals is indefinite, due to delay in submitting the final draft. Instead of a meeting, the directors will be polled on the proposals by mail.

The authority of Allied's negotiating committee, headed by Col. H. A. Cole, who is also Allied president, expired at midnight last night. The directors had instructed the committee to make a final report on the negotiations by March 1.

A statement issued by Allied headquarters in Washington declared: "The distributors are free to submit any further proposals to the general counsel (Abram F. Myers) who will forward them by mail to the directors for such action as they may see fit to take."

Rodgers, Kent Leave Tomorrow

William F. Rodgers, M-G-M general sales manager, and S. R. Kent, 20th Century-Fox president, who are members of the distribtuors' committee, plan to leave tomorrow for the coast.

The committee has held daily sessions this week in an attempt to complete a draft for submission to exhibitor organizations for approval. At a meeting yesterday were Austin C. Keough, Paramount counsel; Abe Montague, Columbia general sales manager; Gradwell L. Sears, Warner sales head; Tyree Dillard, M-G-M attorney, and Rodgers.

Weeks Named Sales Head of Monogram

(Continued from page 1)

O. Henry Briggs, Sol A. Rosenblatt, William Rhinelander Stewart, J. A. Sisto and Trem Carr.

Proposal to increase the salaries of Johnston and Dunlap by $200 weekly and to take two annual options on the exclusive services of each after their present contracts expire in March, 1942 was withdrawn. Johnston pointed out that Monogram was now operating in the black, and that sufficient proxies were on hand to approve the increase but that Dunlap and he had decided "to decline, with thanks, to accept such increase at this time." "The consideration which militates against the acceptance of the increase by us is naturally the interest of one who organizes a new company and seeks to see it grow into a strong, healthy organization," he said.

Ampa Honors Johnston

W. Ray Johnston's 25th anniversary in the industry will be signalized at the Ampa luncheon meeting today at the Astor. Also on hand will be Scott R. Dunlap, production chief, and Trem Carr. Entertainment will be provided by Adrienne Ames, Helen Westley and Bert Frohman. A nominating committee will be elected to choose officers for the next year.

Norma Shearer on Air

Norma Shearer will essay her first full-length role for the microphone when she appears in the Lux Radio Theatre dramatization of "One Way Passage," opposite William Powell, on March 6.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Jan. 27	**Lone Wolf Spy Hunt** (G) (D) *Warren William Ida Lupino*	**Idiot's Delight** (A)(D) *Shearer-Gable* **Four Girls in White** (G) (D)	**Drifting Westward** (O) *Jack Randall*	**Paris Honeymoon** (G) (C) *Bing Crosby* (3821)	**Pride of the Navy** (G) (D) *James Dunn Hudson* (822)		**Jesse James** (G) (D) *Tyrone Power Henry Fonda* (921)			**King of the Underworld** (G) (D) *Kay Francis Humphrey Bogart*	**Exile Express** *Anna Sten* (Jan. 20)
Feb. 3	North of Shanghai *Betty Furness James Craig*	**Honolulu** (G) (M) *Eleanor Powell Robert Young*	**Navy Secrets** (G) (D) *Fay Wray Grant Withers*	**St. Louis Blues** (G) (M) *Lloyd Nolan Lamour* (3822)	**Home on the Prairie** (G) (O) *Gene Autry*	**Fisherman's Wharf** (G) (D) *Bobby Breen Henry Armetta*	**The Arizona Wildcat** (G) (C) *Jane Withers Leo Carrillo*		**Pirates of the Skies** *Kent Taylor Rochelle Hudson*	**Torchy in Chinatown** *Glenda Farrell Barton MacLane*	**Ride 'Em Cowgirl** (G) (O) *Dorothy Page* (Jan. 20)
Feb. 10	**Texas Stampede** *Starrett Meredith*	**Adventures of Huckleberry Finn** (G) (C) *Rooney Connolly*	**Sundown on the Prairie** (O) *Tex Ritter*	**Persons in Hiding** (G) (D) *Overman* (3823)	**Woman Doctor** (G) (D) *Inescort Wilcoxon*	**Boy Slaves** (G) (D) *Anne Shirley Roger Daniel*	**Tail Spin** (G) (D) *Alice Faye Bennett Charles Farrell*	**Made for Each Other** (G) (D) *Lombard Stewart*	**The Phantom Stage** (O) *Bob Baker*	**Wings of the Navy** (G) (D) *John Payne deHavilland George Brent*	
Feb. 17	**My Son Is a Criminal** *Alan Baxter Jacqueline Wells*	**Fast and Loose** (G) (C) *Montgomery Russell*	**Little Pal** (re-issue) *Mickey Rooney Ralph Bellamy*	**Boy Trouble** (G) (D) *Ruggles*	**Forged Passport** (G) (D) *Paul Kelly June Lang*	**Gunga Din** *McLaglen* **Star of Midnight** (reissue) **The Lost Patrol** (reissue)	**The Three Musketeers** (G) (C) *Don Ameche Ritz Bros. Binnie Barnes*	**King of the Turf** (G) (D) *Menjou Dolores Costello*	**You Can't Cheat an Honest Man** (G) (C) *W. C. Fields*	**Nancy Drew, Reporter** (G) (D) *Granville*	**Crashing Through** (Renfrew Series) *James Newill* (Jan. 20)
Feb. 24	**Let Us Live** (G) (D) *Fonda O'Sullivan*	**Let Freedom Ring** (G) (D) *Eddy L. Barrymore McLaglen*	**Star Reporter** *Warren Hull Marsha Hunt*	**One Third of a Nation** (A) (D) **Sunset Trail** (3857) (G) (O)	**I Was a Convict** (G) (D) *MacLane Roberts*	**Beauty for the Asking** (G) (D) *Lucille Ball Knowles Donald Woods*	**Pardon Our Nerve** (G) (C) *Lynn Bari June Gale* (931)		**Society Smugglers** *Preston Foster Irene Hervey Walter W. King*	**Yes, My Darling Daughter** (A) (C) *Priscilla Lane*	**Renfrew Saves a Lady** (Renfrew Series) *James Newill* (Feb. 10)
March 3	**Romance of Redwoods** (O) *Bickford*	**Pygmalion** (G) (C) *Leslie Howard Wendy Hiller*	**Mystery of Mr. Wong** *Boris Karloff* **Rollin' Westward**	**Cafe Society** (G) (C) *Madeleine Carroll MacMurray*		**Twelve Crowded Hours** (A) (D) *Richard Dix Lucille Ball*	**Wife, Husband and Friend** (G) (C) *Loretta Young Baxter*	**Stagecoach** (G) (O) *Claire Trevor John Wayne Andy Devine*	**Risky Business** *George Murphy Dorothea Kent*	**Secret Service of the Air** *Ronald Reagan John Litel Ila Rhodes*	
March 10	**Blondie Meets the Boss** (G) (C) *Arthur Lake*	**Ice Follies of 1939** *Crawford Stewart Lew Ayres*	**Mystery Plane** (G) (D) *John Trent Polly Ann Young*	**The Beachcomber** (A) (C) *Laughton Lanchester*		**The Saint Strikes Back** (G) (D) *George Sanders Wendy Barrie*	**Inside Story** (G) (D) *Michael Whalen Jean Rogers*		**Spirit of Culver** (G) (D) *Jackie Cooper Bartholomew Andy Devine*	**The Oklahoma Kid** *Cagney Bogart Rosemary Lane*	
March 17	**Lone Star Pioneers** *Bill Elliott Dorothy Gulliver*	**Sergeant Madden** *Wallace Beery*	**Trigger Smith** (O) *Jack Randall*	**King of Chinatown** *Anna May Wong Tamiroff Naish*	**My Wife's Relatives** (C) *Lucille, James and Russell Gleason*		**The Little Princess** (G) (D) *Shirley Temple Richard Greene Anita Louise*	**Prison Without Bars** (A) (D) *Corinne Luchaire Edna Best Barry Barnes*	**Mystery of the White Room** *Bruce Cabot Helen Mack*	**Adventures of Jane Arden** (G) (D) *Rosella Towne William Gargan*	
March 24	**Whispering Enemies** (G) (D) *Jack Holt Dolores Costello*	**Within the Law** *Ruth Hussey Rita Johnson*	**Undercover Agent**	**Midnight** *Colbert Ameche Lederer John Barrymore*		**Trouble in Sundown** *George O'Brien* (O)	**Everybody's Baby** (A) (C) *(Jones Family)*		**Three Smart Girls Grow Up** *Deanna Durbin Winninger*	**Blackwell's Island** *Garfield Rosemary Lane*	
March 31	**North of the Yukon** *Starrett Winters*	**The Kid from Texas** *O'Keefe Florence Rice*	**Streets of New York** *Jackie Cooper*	**Sudden Money** *Ruggles Rambeau* **Silver on the Sage**		**Almost a Gentleman** *James Ellison*	**Hound of the Baskervilles** *Greene Rathbone*		**Family Next Door** *Hugh Herbert Joy Hodges*	**On Trial** *John Litel Margaret Lindsay*	

Okla. Independents Plan Buying Pool

OKLAHOMA CITY, March 1.—Formation of an equipment and product buying pool by independent Oklahoma exhibitors is under way to meet the purchasing power of large circuit theatre operators in the state. Leaders of the organization remain anonymous until the ranks of independent exhibitors are more solidly lined up for the idea.

Rumors have circulated in film circles here for a year that several dissatisfied independent exhibitors are quietly working on an organization along the lines of Allied. It would be independent of the Oklahoma M. P. T. O., which, it has been charged by some exhibitors, is controlled by the large theatre operating circuits in the state.

Dissatisfaction has been expressed by several small exhibitors on the variations of film rentals paid in towns of similar size and payment of varying prices for theatre equipment. The group is reported to be collecting information regarding these alleged practices.

A representative from the Department of Justice at Washington has agreed to come to Oklahoma City in the next month if an audience of at least fifty exhibitors bearing complaints can be brought together to meet in Oklahoma City. The meeting place has been selected and efforts are being made to get 150 exhibitors to attend the meeting.

It is definitely known that a nucleus of exhibitors are toying with the idea of forming an Allied organization in Oklahoma with help promised in organization from outside Allied organizations.

Schines Take Over Palace in Syracuse

GLOVERSVILLE, N. Y., March 1.—Home office of the Schine circuit has confirmed acquisition of the Palace, Syracuse, which becomes a unit of RKO-Schine circuit. James P. McAllister of Boston, goes in as manager under Gus Lampe, Syracuse zone manager. The rest of the Palace staff remains intact.

Erle Wright, manager of the Glove here, goes to the Paramount, Syracuse, with Frank Boucher of Baltimore coming in at the Glove. Harold Raives was named manager of the Granada, Buffalo, in order that Harry Goldsmith, can devote all his time to his district manager duties. Donald Rich has taken over management of the Palace, Watertown, with Francis Lattin going to the Strand and Pontiac, Watertown, as temporary manager while Clint Dadson is in Florida on vacation.

Reorganization Plan Filed by French Co.

A proposed plan of reorganization was filed yesterday in the U. S. District Court by the French Motion Picture Co., Inc., which provided for payment of 15 percent to general creditors on their claims filed and allowed. The plan also provides for full payment of wage claims and taxes, and for the ratification of all executory contracts. Petition under Section 77B of the Bankruptcy Act was filed by the company on Feb. 19, 1938.

Myers Is Invited to Census Conference

Washington, March 1.—Abram F. Myers, general counsel of Allied, tonight was invited by Secretary of Commerce Harry Hopkins to attend conferences March 14 and 15 for consideration of improvements in the census of distribution which is to be made next year.

Three conferences are to be held, each dealing with different phases of the 1940 census, at which industrial representatives will be asked to submit recommendations as to what information should be collected. The census of distribution will cover the film industry, of which Myers was the only representative invited to the conference.

See Action Against Bingo in Milwaukee

MILWAUKEE, March 1.—A likelihood of further warrants against Bingo operators is seen as a result of Municipal Judge Max W. Nohl's action in directing a guilty verdict against August Gieldon, after the Bingo game promoter had appealed from a District Court conviction under the raffle law.

Gieldon, who sponsored games for a fraternal group whom he paid $25 for the use of their names, according to police, was fined $15. Previously he had been fined $25 in District Court.

To date, the police department has been unsuccessful in its attempts to obtain warrants from either the city or district attorney's offices against church and fraternal groups holding Bingo parties. Among the warrants sought is one for the Ritz, north side neighborhood theatre, which Michael Brumm has turned over two nights a week to the local parish for Bingo.

Exhibitors Fighting Conn. Operator Bill

HARTFORD, March 1.—About 100 exhibitors appeared at the public hearing on the two-men-in-a-booth bill before the Judiciary Committee yesterday, appointing as their spokesmen in opposition to the bill Arthur Lockwood of Middletown, Joseph Reed of Washington Depot, John Hess of Mossup, Al Robbins of Hamden, George LeWitt of New Britain, operators in the smaller situations which would allegedly be most affected.

Exhibitors pointed out that power to order changes in theatre operation in the interests of safety is vested in the State Police in this state, and that legislation is unnecessary. Operators' union officials insisted on the safety angle of employing two men in each booth. Thomas Fitzsimmons, New Haven attorney, also spoke in favor of the bill, which has been entered unsuccessfully many times before.

Breen Back on Coast

HOLLYWOOD, March 1.—Joseph I. Breen, head of the Production Code Administration, arrived here today, following a month's vacation in Jamaica and New York.

Quota Is Studied By Films Council

LONDON, March 1.—British Films Council, named under the Films Act, met today and considered the labor and producer proposals for increases in the quota percentages. The group also considered memoranda from the Cinematograph Exhibitors' Association and Kinematograph Renters' Society on the quota, the former opposing demands for quota increases.

During January and February, 10 features were registered under the quota, of which two were listed as triple quota, three as double quota and three under the exhibitor quota.

Heffner to Appeal Mass. Game Ruling

DEDHAM, Mass., March 1.—After losing a case to test the legality of Bank Night in Superior Court here, Roy Heffner, Jr., manager of the Keye in Middleboro, declared his intention to appeal to the State Supreme Court.

Heffner was arrested in January for promoting and setting up a lottery in connection with Bank Night at the Middleboro during a drive begun by District Attorney Edmund L. Dewing to outlaw Bank Night, Beano and other money games from Plymouth and Norfolk Counties.

Acme Ticket Action Goes to Trial Monday

Suit of the Acme Ticket Agency against the League of N.Y. Theatres and Actors' Equity to enjoin enforcement of the ticket brokers' code will go to trial before Referee Morris Cooper, Jr. in the Bar Association Building Monday.

Equity and the League will get together tomorrow for that much postponed meeting on the code at the Astor. The feeling at Equity has been that the code has not met exceptations and that the producers have failed to make ticket buying more convenient.

Troy, O., Bans Games

TROY, O., March 1.—Three Bank Night pools, involving three theatres here, which have been operating for several months, have been hit by a general ban on gambling ordered by Police Chief E. J. Smick. Banned were such games of chance as punch boards, race track books, numbers and pools of any kind.

Performing Rights Society and C.E.A. Conclude New Pact

LONDON, March 1.—Following protracted negotiations between the Cinematograph Exhibitors' Association and the Performing Rights Society prior to the termination of the society's contract on April 5, an agreement has been reached on the terms of the new contract.

The Performing Rights Society, under the new agreement, will maintain the present scale of fees until 1941, but will reduce the discount for early payments from 10 per cent and seven and one-half per cent to five per cent.

The society sought increases in the scale and the C.E.A. countered with a demand for reductions and the use of arbitration. The pleas of the C.E.A. that business has been poor led to the maintenance of virtually the same terms as in the expiring agreement.

Patchen in Ad Post For Standard Group

OKLAHOMA CITY, March 1.—Resignation of Douglas George as director of advertising and publicity for Standard Theatres Corp. has resulted in several changes in personnel.

E. A. Patchen, manager of the Midwest, has returned to his advertising post. Spence Pierce, manager of the Tower, has replaced Patchen at the Midwest. Robert Busch, manager of the Plaza, has been placed in charge of the Tower.

Order in Chaplin Suit

Federal Judge Alfred C. Coxe yesterday ordered the president and secretary of Film Sonores Tobis, Societe Anonyme to testify before trial concerning its suit against Charles Chaplin, Charles Chaplin Film Corp. and United Artists Corp. Plagiarism of "A Nous La Liberte" in defendants' film, "Modern Times," is charged.

N.T.S. Sets Meeting

National Theatre Supply will hold the second of three district sales meetings this weekend at the Palmer House in Chicago. First meeting was held in New York last week; the last will be held on the coast March 11. Executive personnel and district sales managers will attend. Walter Green, president, will preside.

Turn over for news of a swell TOP FEATURE for any house..

"MOVE OVER, YOU 'HARDYS' AND 'JONESES'!" —*Motion Picture Herald*

TOP FEATURE the screen's No. 1 family ...ballyhoo the Bumsteads! Get ready to give everything you've got to the swellest audience comedy that ever set a showman's box-office zooming! Bigger than the first "Blondie"...better than the best of the down-to-earth shows!



BLONDIE *as played by* PENNY SINGLETON



DAGWOOD *as played by* ARTHUR LAKE



BABY DUMPLING *as played by* LARRY SIMMS



BLONDIE MEETS THE BOSS

Based upon the Comic Strip Created by CHIC YOUNG

with SKINNAY ENNIS AND HIS BAND

Screen play by Richard Flournoy • Directed by Frank R. Strayer

A Columbia Picture

BLONDIE MEETS THE BOSS

(Columbia)

Comedy

Move over, you "Hardys" and "Joneses," and make room for the "Bumsteads," because "Blondie," "Dagwood," "Baby Dumpling" and "Daisy" have moved in. Minute for minute and inch for inch this second film fashioned in the format of Chic Young's comic cartoon matches any family series on the market laugh for laugh. It is like none of the others, nor like any other domestic comedy of ready memory, and stands in clear command of its own appeal channel.

Drawing upon its cartoon derivation for the privilege to do things with camera and incident commonly denied directors employing living actors, Frank R. Strayer contrives stunningly amusing effects. He uses slow motion, invisible wires and camera tricks in running sequence with humorous dialogue and comic situation. He blends slapstick and parlor comedy with complete nonchalance. The end result is a houseful of happily and unabashedly laughing customers asking no more credibility than is asked of a cartoon, an extraordinary and exhilarating state of audience receptivity.

Arthur Lake, long an exhibitor favorite, has found his spot as the husband of this lively young family, and Penny Singleton seems to have been born for the wifely assignment. But it is tiny Larry Sims as "Baby Dumpling" who steals this episode in the family annals and, by his unbelievably natural delivery of lines that would stymie a child of twice his years, holds the frankly cartoonish plot together. The dog's deportment is pure cartoon comedy and immensely effective.

Richard Fournoy's screen play, from a story by Kay van Ripper and himself, opens with "Dagwood" quitting his job and "Blondie" going to see the boss about getting it back for him. The boss gives it to her instead. A pair of jitterbug champions, a scheme to buy a piece of property, a fishing trip in the course of which "Dagwood" finds himself embarrassingly juxtaposed to a pretty and approachable night club dancer, are among the factors complicating the married life of the "Bumsteads" before "Dagwood" gets his job back. The routine defies humbnail chronicle.

Previewed at Pantages theatre in Hollywood where it kept the entire audience smiling, uckling and guffawing in unbroken sequence m start to finish.—W. R. W.

MOTION PICTURE HERALD WROTE THIS AD

Albany Bill Would Prevent Use of Air For Racial Fights

ALBANY, March 1.—A measure introduced here by Senator J. D. Schwartzwald of New York would make it a misdemeanor to incite and promote racial and religious hatred and hostility through mediums which include the use of theatres or through the facilities of broadcasting stations.

Other bills introduced include one by Assemblyman Frank McCaffrey which would prohibit bands or orchestras connected with public schools, colleges or institutions from furnishing music at functions not connected with the institutions, and another to make it unlawful for bands composed principally of civil service employes to furnish music at any function not connected with a public department or bureau. Backing of the American Federation of Musicians and the State Federation of Labor is claimed for the McCaffrey bills.

Mutual Billings in February $276,605

Time sale billings for the month of February totaled $276,605 at Mutual, an increase of 9.2 per cent over the billings for the same month last year, which were $253,250.

Billings for the first two months of this year totalled $591,683, an increase of 13.1 per cent over the income of the first two months of 1937. Latter was $523,144.

Adam to Air Fight

Adam Hat Stores will sponsor a blow-by-blow account of the fight in Madison Square Garden between Nathan Mann and Buddy Knox on Friday, over the NBC-Blue, starting at 10 P. M. Sam Taub and Bill Stern will share the mike assignment.

Change Dial Format

CINCINNATI, March 1.—Format of *Radio Dial,* local weekly listing daily programs and other data, has been changed to a smaller size and carries 24 three-column pages. Edna Silverton has been named editor.

Plan New CBS Concerts

New series of concerts will begin on CBS March 10 and subsequent Fridays from 10:30 to 11 P.M. The CBS Symphony will be under the baton of Howard Barlow.

Radio's Gain Seen In Poll of WTJM

Milwaukee, March 1.—Four out of every six WTMJ listeners declared themselves as believing that radio is improving in response to the station's ninth annual radio poll.

Among those who declared themselves as believing that radio is slipping were those who complained of too many serial stories and too many commercials on fifteen-minute programs.

Radio Personals

WAYNE RANDALL, director of publicity for NBC, returns today from a short vacation in Providence. . . . Jack Benny has postponed his scheduled appearance on the Lum and Abner show to March 10 because of film commitments. . . . Ben Bernie has been signed for an indefinite stay at the Hotel Astor Roof starting in July. . . . Harold Oxley, manager of Jimmie Lunceford, to Memphis by plane yesterday. . . . Charles Boyer and Florence Rice will do an adaptation of RKO's "Flight from Glory" on the "Hollywood Playhouse" next Sunday. . . . Frank Lepore leaves the NBC information division to become television stage manager. . . . Billy Card, formerly of the networks, has joined the radio staff of the World's Fair, and will work under John S. Young.

Crosley Reports '38 Net Profit of $84,901

CINCINNATI, March 1. — Crosley Corp., operating WLW, WSAI, W8XAL and W8XNU, also manufacturing radio receiving sets, electric refrigerators and other appliances, report for year ending Dec. 31, net profit of $84,901, after depreciation and Federal taxes, equal to approximately 16 cents a share. This compares with net loss of $376,914 in 1937, of which $343,314 was due to flood and fire loss in January. Net sales for the year were $12,991,319, compared with $18,735,450 for 1937.

Current assets as of Dec. 31, were $5,170,989, and current liabilities, $1,112,496. On Dec. 31, 1937, current assets and liabilities were $5,739,463 and $1,812,808, respectively. Cash is listed as $466,363 as of Dec. 31, 1938, compared with $186,951 at the end of 1937.

Ticket Selling Ends On Refugee Art Fund

Ticket selling ended yesterday for the drawing of works of art sponsored by the Motion Picture Art Fund for German Refugees. The ticket committee is collecting the proceeds from exchanges throughout the country and stresses that all collections must be in its hands by March 10 in order to have stubs registered for the drawing which will take place March 15. Collections should be delivered to the committee at Room 1258, Paramount Building, New York.

To Air Baseball Games

SAN FRANCISCO, March 1. — All games in which the San Francisco Baseball Club appears during the coming season will be broadcast over KGO for the second consecutive year, under joint sponsorship of Goodrich Tires and General Mills. Ernie Smith will describe the games played here at Seal Stadium, and will recreate contests played out-of-town through use of telegraphic reports.

Menser Leaves NBC

CHICAGO, March 1.—C. L. Menser, program manager of NBC's central division, has resigned to open a Chicago office for the Gardner advertising agency. He has been with NBC 10 years.

Nur Fur Fuehrer!

Radio-Rundfunk, Yorkville recording company, took 22 12-inch sides of the recent Bund meeting in Madison Square Garden. None has been distributed and it is believed that they will be sent to Germany. WMCA asked for part of the recording but the request was turned down.

Lasky Urges Radio, Screen Cooperation

HOLLYWOOD, March 1.—"The answer to the film-radio problem is for the films to make use of what radio offers in the way of unearthing new talent," says Jesse L. Lasky, who conducts the Wrigley-sponsored "Gateway to Hollywood" program over CBS in cooperation with RKO.

"Radio should be an ally, not an enemy of films. Our program shows the benefits that can be derived from radio by intelligent cooperation."

In addition to dramatic talent, it is understood Lasky will seek singers and dancers if the program is given a second renewal by Wrigley. It was recently renewed for 13 weeks.

CHICAGO, March 1.—Auditions for the Lasky-RKO radio program will be held here all day tomorrow, with Arthur Willi of RKO in charge.

Censor Committee Of NAB Reported

In New York last night it was reported that the National Association of Broadcasters had formed an 11-man censorship committee. Lenox Lohr and Edward Klauber were said to be members.

FCC Calendar

WASHINGTON, March 1.—Application for a new 1,200-kilocycle, 100-watt broadcasting station has been filed with the Federal Communications Commission by the North Shore Broadcasting Co., Salem, Mass.

Also filed with the commission was an application for an increase in the night power of WSGN, Birmingham, from 100 to 250 watts.

The commission announced that on March 29 it will hold a hearing on the application of the Northwest Broadcasting Co. for a 1,370-kilocycle station at Fort Dodge, Ia., with 100 watts night, 250 watts day, and on April 10 would hear the application of M. C. Reese for a 1,200-kilocycle station at Phoenix, Ariz., with 100 watts night, 250 watts day.

On April 25, hearings will be held on the contesting applications of Enrique Abarca Sanfeliz and the United Theatres, Inc., for a 580-kilocycle, 1,000-watt station at San Juan, P. R.

Hearings have been ordered on the applications of John R. Pepper for a 1,310-kilocycle station at Greenville, Miss., with 100 watts power night, 250 watts day; the Gazette Co. for a 1,420-kilocycle, 100-watt station at Cedar Rapids, and KINY, Juneau, Alaska, for change of frequency from 1,430 to 740 kilocycles and increase of power from 250 to 1,000 watts.

Film Censorship Hit On WMCA Forum

Censorship took the count on Martin Starr's Motion Picture Forum, broadcast over WMCA and the Inter-City network yesterday afternoon, when three industry commentators had finished airing their views on the right of the authorities to delete or ban films. The verdict was unanimous.

Participating in the program were Chester B. Bahn, Film Daily editor; Pete S. Harrison, publisher, Harrison's Reports, and Harry Brandt, president, I.T.O.A. Excerpts from their observations follow.

Bahn: "There are those who urge film censorship as a morals watchdog. Industry self-regulation long ago settled the morals question far more satisfactorily than 57 assorted brands of state and municipal censorship ever could hope to do."

Harrison: "Official censorship is a hindrance to the producers of entertainment. Were the censors dramatists the matter would be different. Then the producer would not feel handicapped for he would know that his work would be judged by experts."

Brandt: "Censorship is vicious, vile and harmful. It is never constructive. It is a bogey to the people involved in the making of motion pictures. It violates the right of the public to see what it wants it wants."

Directors' Guild in Meeting on Contract

HOLLYWOOD, March 1.—The Screen Directors' Guild committee, headed by Frank Capra, and producer representatives tonight hold a second meeting over proposed bargaining contract for directors' assistants and unit managers. It was reported the confreres will discuss the plea of S.D.G. for inclusion in the pact provision that directors be retained by studios for the duration of cutting of pictures following the completion of shooting.

'U' Adjusts Scale Of Office Workers

Universal has agreed to an increased scale of wages and widely adjusted working conditions for home office employes as a result of negotiations during the past few days with the American Federation of Bookkeepers, Stenographers and Accountants, Local No. 20940. Final negotiations have not been concluded yet, however, although it is understood that all but one of the union's demands have been met.

To Aid Rogers Fund

Branch managers of all major companies yesterday were designated a committee to canvass exhibitors in the metropolitan area for contributions to the Will Rogers National Memorial Week. Designations were made by Harry Buxbaum of 20th Century-Fox, who is chairman of the drive for this zone.

Combs Show Sponsored

George H. Combs, Jr., commentator on the "Editorial Slant of the News" at WHN, is now sponsored by St. Joseph's Aspirin three times weekly. Contract was placed by Lake-Spiro-Cohn, and is for 52 weeks.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 42 NEW YORK, FRIDAY, MARCH 3, 1939 TEN CENTS

UA WILL FIGHT GOLDWYN MOVE TO ABROGATE PACT

Decide Not to Ask Rehearing Of Dallas Case

Texas Circuits Join in Distributors' Decision

By SHERWIN A. KANE

Decisions not to petition the U. S. Supreme Court for a rehearing of the Dallas anti-trust case were arrived at yesterday by principal defendants in the action and their counsel.

The decision to accept the high court's ruling that the special film contracts regulating admission prices and program policy are in violation of the anti-trust laws reverses the earlier decision of the Texas theatre operating defendants to file separate petitions for a rehearing. Those theatre defendants, Interstate Circuit and Texas Consolidated Theatres, joined in the decision of the distributor defendants to accept the high court's ruling without further contest.

The Texas theatre defendants were represented here by Karl Hoblitzelle and Attorneys John Moroney and George Wright, who came from Dallas to discuss the advisability of seeking a rehearing of the case.

Distributor defendants had weighed the possibility of seeking a rehearing over the past two weeks but had made no decision up to yesterday. The time in which they might formally petition such a hearing will not expire until March 13, although attorneys stated yesterday's decision is final.

Distributors Finish Final Trade Draft

Final draft of the distributors' proposals for a trade practice program has been completed by the distributors' committee. The draft was turned over to the lawyers' drafting committee yesterday, and the final touches will be put to it next week.

A conference may be held with Abram F. Myers, Allied general counsel, in New York, next week, or the proposals may be submitted to all participating exhibitor organizations at the same time.

Robert Perkins of Warners is chairman of the drafting committee. Members include Tyree Dillard, M-G-M; I. Levenson, Warners; Austin C. Keough, Paramount, and others.

Republic Had Gross in 1938 Of $7,373,972

Republic grossed $7,373,972 in 1938, an increase of $1,089,981, or 17.4 per cent over the 1937 world gross. Exhibition contracts written in 1938 aggregated $8,966,140, an increase of $1,987,093 or 28½ per cent over 1937.

This is disclosed in the annual report to stockholders of Consolidated Film Industries, Inc., by Herbert J. Yates, president. The report shows Consolidated's net earnings for the calendar year 1938 as $616,696.94, after all charges, including depreciation and Federal taxes. This compares with a net of $605,755 for 1937.

Consolidated's earnings are equivalent to $1.54 per share on the 400,000 preferred shares outstanding, compared with earnings equivalent to $1.51 per share in 1937.

All Loans Paid Off

The company has paid off all its bank loans, having liquidated loans of $1,050,000 last year, and has improved its net current asset position. This resulted from the sale of American Record Corp. to CBS in December, 1938, from which Consolidated derived net proceeds of $690,100.

The report states that when Consolidated acquired the record company in 1930 it was in anticipation of the continued use of discs for sound films, but for some years past

(*Continued on page 3*)

Supreme Court Gets Dakota 'Divorce' Plea

Motion to dismiss the action attacking the constitutionality of the North Dakota affiliated theatre divorce law, which was repealed recently, was filed in the U. S. Supreme Court yesterday.

The motion, which is expected to come before the court on Monday, asks that the decision of the Federal statutory court upholding the constitutionality of the measure be reversed and the case remanded with directions to the lower court to dismiss the case as "moot." Motions such as these are ordinarily granted by the court automatically as they come before it unopposed.

Producer Seeks to Set Aside Exclusive UA Releasing Contract; Silverstone Refutes All Contentions

United Artists is opposing Samuel Goldwyn's action to have his present exclusive producing and releasing contract with the company set aside and his former pact which permitted him to distribute through other companies reinstated. The action was instituted late Wednesday with the service of a summons and complaint on Edward C. Raftery, United Artists secretary.



M. Silverstone



Sam Goldwyn

In Hollywood yesterday Goldwyn persisted in declaring that he had no knowledge of the lawsuit and referred all questioners to his attorneys here.

Goldwyn's current contract is an exclusive releasing agreement with United Artists and has until 1945 to run. The former contract which he seeks to have reinstated required him to deliver only two pictures per year to United Artists and permitted him to contract with other distributors for the release of whatever additional product he completed.

An interesting sidelight on the action is the disclosure by company officials that United Artists agreed to release Goldwyn from his contract if he would relinquish his stock interest in the company, but Goldwyn rejected this proposal. The offer was made to Goldwyn at the annual meeting of United Artists stockholders in January.

Goldwyn's action is by himself and his personal corporation, Samuel Goldwyn, Inc., against United Artists Corp. as defendant. It asks a declaratory judgment placing him under non-exclusive contract to United Artists on the ground that his existing exclusive contract has been breached as a result of alleged special concessions granted by United Artists to Douglas Fairbanks, Sr., and Alexander Korda. The company denies all of the charges in the complaint, which was prepared by Max Steuer despite the fact that Goldwyn recently appointed Richard Dwight to be his New York counsel on the termination of a long association with Charles Schwartz.

A statement on the action issued yesterday by Maurice Silverstone, United Artists' chief executive, intimates that the suit may be an aftermath of the rejection by United Artists stockholders of Goldwyn's demand for the establishment of a voting

(*Continued on page 3*)

Change in Directors Of RKO Is Forecast

There will be a change in the directorate of RKO. It is understood that the principal parties in interest have decided to make the change affecting Ferdinand Eberstadt. The matter, of course, will have to be approved by Federal Judge William Bondy, and what his decision will be nobody knows.

In the meantime, Ernest W. Stirn, Class A stockholder of RKO, filed further objections to confirmation of the RKO plan of reorganization and against designations of Floyd B. Odlum as chairman, and N. Peter Rathvon and Conde Nast to the board of directors as representatives of the Atlas Corp.

Stirn contends that Atlas holds large interests in Paramount Pictures, and that conflicting interests will prevent complete loyalty to RKO. Stirn objected to a confirmation of the plan because, he said, it had not been properly approved by two-thirds of the stockholders and creditors.

The fact is that Atlas has no interest in Paramount except insofar as owning certain stock of the company for investment. Odlum left Paramount's board two or three years ago.

Purely Personal

JACK WARNER, HARRY GOLD, GRAD SEARS, S. CHARLES EINFELD, BUDDY MORRIS, WILLIAM F. RODGERS, MONROE GREENTHAL, ED. SAUNDERS, SIDNEY PHILLIPS, CHARLES STERN, RUSSELL HOLMAN and JOHN BYRAM at the Astor yesterday for lunch.

•

WILLIAM SCULLY, Universal general sales manager, is on the coast following a Honolulu trip and is due back here next week. Notes on other Honolulu visitors: MAX A. COHEN is in Los Angeles and due here next week; JOSEPH M. SEIDER is expected back in New York March 12; SAM RINZLER left Honolulu yesterday for Los Angeles and will return here about the middle of March.

•

MORRIS HELPRIN, American advertising and publicity representative for ALEXANDER KORDA, who was to have sailed for London on the *Normandie* today, has postponed his British visit for about a month.

•

WALTER GROSS, Paramount attorney, and LEONARD GOLDENSON of the Paramount theatre department, returned to New York yesterday from vacations in Miami.

•

SOL GORDON, southwest circuit operator, left for Baltimore yesterday en route back to his Beaumont, Texas, headquarters following a Caribbean cruise.

•

GILBERT MILLER, producer, and MRS. MILLER sail on the *Normandie* today for London. Also aboard will be GEORGE WHITE and CLAIRE LUCE.

•

GEORGE BRICKER and WILLIAM DOVER have sold an original story, "American School Teacher," to RKO as a starring vehicle for BOB BURNS.

•

WESSEL SMITTER'S novel, "F.O.B. Detroit," which is to be produced by Paramount, will have its first foreign printing in London soon.

•

G. RALPH BRANTON and MRS. BRANTON have returned to Des Moines from a three-week vacation in Florida.

•

W. T. RICHARDSON, theatrical producer, and ADRIAN STELLO, Hungarian playwright, arrive today on the *Manhattan*.

•

EDDIE CARRIER of WILLIAM R. FERGUSON'S exploitation staff at M-G-M has returned from a southern assignment.

•

TOM GERETY of M-G-M's publicity department has returned from Florida, where he recuperated from an illness.

•

GLORIA RICH of Republic's "Dick Tracy" serials is appearing at the Broadway Strand.

•

BINNIE BARNES arrives in New York today for a short vacation.

•

MAE WEST is at the Sherry-Netherland.

Insiders' Outlook

By SAM SHAIN

SAMUEL GOLDWYN'S suit against United Artists apparently culminates a personal unrest which has marked his relations with the company for several years. Just as the company is reaching for the top, there comes this suit.

In California recently, Goldwyn asked the stockholders of the company to make him sole trustee of the firm, with sole power to name the company board, as was indicated in this column on Jan. 30, which request the shareholders turned down.

Some time ago, it is said, Goldwyn indicated to friends that it was his determination to make James Roosevelt president of United Artists. The fact is that to elect anybody other than Maurice Silverstone president of United Artists would require 100 percent approval of the stockholders. The recent stockholders' meeting in California indicated clearly that Goldwyn had only his own vote to exercise.

▼

There is no controversy between Goldwyn and Silverstone. Goldwyn, with Alexander Korda, was instrumental in putting Silverstone at the head of United Artists. Silverstone's control of operations and his authority are complete.

Goldwyn's issue is with the company. He opposed the profit-sharing plan of United Artists which was approved by the shareholders.

This controversy may result in Goldwyn leaving the firm. If he does other men of established merit no doubt will replace him. One of these might be Ernst Lubitsch. Another is a front rank producer now completing a term with a major firm.

▼

Samuel Goldwyn is an individualist who must have his way. That is the foundation of his success.

Samuel Goldwyn is a great producer—one of the best. His pictures mean much to United Artists. His services are in demand and he probably can write his own ticket elsewhere. His terms always have been high.

▼

The following incident reveals the man. It occurred early in Goldwyn's career. The president of a firm where Goldwyn was employed was informed one morning by his secretary that Mr. Goldwyn wanted to see him.

"Who is Mr. Goldwyn?" asked the president.

The secretary replied that Mr. Goldwyn was the prize-winning salesman of the firm, whereupon the president said of course he would see his best salesman.

Mr. Goldwyn entered the president's office and after having seated himself, opened with a demand that he be given a partnership in the firm. The president was amazed and wanted to know by what right did Goldwyn demand a part of the business. And Goldwyn answered:

"There's no harm in asking, is there?"

▼

Some of the finest manpower the industry possesses, such as Joseph Schenck and Darryl Zanuck, left United Artists because of differences with Samuel Goldwyn. Al Lichtman, Dr. A. H. Giannini and George J. Schaefer also left on account of Goldwyn. Now there is a new Goldwyn incident.

When Maurice Silverstone entered United Artists the season was pretty well spent. In a few weeks that followed Silverstone, Harry Gold and Jack Schlaifer worked themselves almost into a collapse to get the company's program sold, and they did.

Under Silverstone, United Artists reached out and obtained several topnotch producers to expand its program and its work. Eddie Small and Hal Roach joined the firm. Douglas Fairbanks also decided to return to production.

Coming forward this year with such pictures as "Trade Winds," "Made for Each Other," "Stagecoach" and "Wuthering Heights" the company is moving ahead strongly. It is expected, of course, that Goldwyn will deliver the pictures for which he has contracted.

The domestic income under the present administration has been on the increase for some time past. The company is definitely on the upbeat. Operations have been simplified and overhead costs reduced.

From the first of the year experts estimate United Artists to have grossed approximately $4,500,000.

Foreign operations are maintaining a strong pace established during 1938, doing about $2,000,000, which is equal to that done in 1938, or thereabouts. The 1938 domestic income of the company was approximately, or over, $13,000,000, and the firm's net earnings are estimated to be running at about $2,000,000 on a yearly basis.

The Newsreel Parade

The newsreels, for their new issues, have no outstanding news events. Skiing, baseball players in training and the semi-finals of the Golden Gloves are sporting items included. The reels and their contents follow:

MOVIETONE NEWS, No. 50—Cardinals gather in Rome. Golden Gate Exposition. Girls ski in bathing suits. Movie Quiz winners. British aviators land on plane carrier. Lew Lehr. Ski jumps. Golden Glove bouts. Baseball practice.

NEWS OF THE DAY, No. 248—Women take highest Quiz prizes. Ice jams strait. LaGuardia buys first New York fair ticket. Britain trains air pilots. Monkey island in Puerto Rico. Male beauty contest. Dog derby in Idaho. Olympic ski meet.

PARAMOUNT NEWS, No. 61—Amusements attract crowds at Frisco fair. American cardinals arrive in Rome. Test snow equipment. New Jersey bank fails. Establish monkey colony. Chicago Cubs in training. Amateur boxing tournament. "The Mikado" moves to New York.

RKO PATHE NEWS, No. 65—New York fair nears completion. "Greatest Year" film drive ends. Issue permit for goat milk farm. Baseball players train in California. Skiing in New Hampshire. Pilots land on plane carrier. Ski meet in Alps. Golden Gloves bouts.

UNIVERSAL NEWSREEL, No. 750—Movie Quiz winners. Controversy over Hainan Island. Seamen learn to fly. Street car mishap. Adding machine solves problems. Two wheel auto demonstrated. Human punching bag in Texas. Baseball players prepare for coming season. Dog derby. Ski championships in Oregon. Golden Glovers box in New York.

Kent, Wobber Leave For Coast Meetings

S. R. Kent, president of 20th Century-Fox, leaves tonight for the coast to set details of the new season's program in studio conferences which will be attended by Herman Wobber, sales head, and production executives.

Kent will stop over in Tucson about a week before proceeding to Los Angeles. Wobber left last night from Miami and will meet Kent in Tucson. The meetings are scheduled to begin March 16, in advance of the sales convention April 3.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

U.A. Will Contest Move by Goldwyn

(*Continued from page* 1)

trust for the company, with either himself or his designee as the sole trustee. The proposal was made at the meeting in Beverly Hills last month and was rejected as "ridiculous" by the other stockholders of the company. They are, in addition to Goldwyn, Mary Pickford, Douglas Fairbanks, Alexander Korda and Charles Chaplin. It was at that time that the offer was made to cancel Goldwyn's contract if he would relinquish his stock and step out of United Artists entirely.

Goldwyn has been dissatisfied with the status quo in United Artists for some time, however. It was this dissatisfaction that led him to undertake with Korda the one time proposed purchase of the Pickford, Fairbanks and Chaplin stock holdings for control of the company 18 months ago. He is known to have complained frequently that as the most active producer among the company's owners, his share of profits should be correspondingly larger. This contention led to a general reduction of the company's distribution charges against its producers and also to the adoption of a plan by which United Artists' producers participate in bonus payments in accordance with the earnings of their individual productions.

Goldwyn's current stand, apparently, has alienated the support of Korda, who heretofore has been alligned with Goldwyn on virtually all matters of important company policy, as against the usually opposing camp of Pickford, Fairbanks and Chaplin.

Silverstone's comment on the Goldwyn action follows:

Silverstone Statement

"Mr. Goldwyn has brought an action against us asking the court to cancel his present exclusive contract and to reinstate his previous non-exclusive contract.

"Mr. Goldwyn bases his claim upon three grounds: first, that we have breached our contract with him by consenting to the formation by Mr. Korda and Mr. Fairbanks of separate producing companies to facilitate the production of pictures by them for release through us. Mr. Goldwyn claims that this consent, given to two of our stockholders, constitutes a breach of his contract since such consent was given over his objection.

"The second ground is that under Mr. Korda's contract with our company, Mr. Korda must render his services exclusively to us. Mr. Goldwyn claims that Mr. Korda has become interested in other pictures in England with our acquiescence and that this constitutes a breach of Mr. Goldwyn's contract.

"No Ground for Claim"

"The third ground is the claim of Mr. Goldwyn that this company permitted Mr. Korda to dispose of certain of his pictures in war-stricken Spain directly, instead of through our company.

"There is no foundation whatsoever in any of Mr. Goldwyn's contentions.

"At the last meeting of our stockholders, Mr. Goldwyn demanded a voting trust of which he or his designee would be the sole trustee, thereby giving him control of the company.

"The remaining stockholders of the company considered this demand ridiculous and they unanimously and promptly turned down Mr. Goldwyn's proposal.

"The stockholders thereupon offered to cancel Mr. Goldwyn's contract and to release him from all further obligations thereunder, if he would turn back to the company his stock interest therein for which he had made no monetary payment. This proposal Mr. Goldwyn turned down.

"In the opinion of the company the suit has no merit whatsoever and will be vigorously resisted.

"The suit will not have the slightest effect on the company or its operations, or on the important program of pictures which it is now releasing and will release in the coming 1939-'40 season.

"The company will adhere to its established policy of keeping its doors wide open to all producers of merit whose pictures will be given the same effort and opportunity as given to its present producers. Such pictures will be distributed on the merit plan of distribution now in effect."

Columbia's Budget $5,000,000 Higher Sales Meeting Told

Columbia's new season production budget will be increased by $5,000,000 over the current season's budget to provide for a larger number of "A" pictures which are to be included in the 1939-'40 schedule, district sales managers of the company were told at their meeting here yesterday by Abe Montague, Columbia general sales manager.

Indications are that the increase in the company's "A" product next season will be accounted for by the addition to its producers' roster of Frank Lloyd, Wesley Ruggles and Mitchel Leisen, who will share the top assignments with Frank Capra, Howard Hawks and Rouben Mamoulian. The company plans to acquire other new producer-directors for the new season, the meeting was told. Lloyd's first assignment is "Tree of Liberty"; Ruggle's is "Arizona," and Leisen's is "Our Wife."

Promotion of J. H. Jacobs, former salesman at the Minneapolis exchange, to branch manager at Omaha, succeeding I. M. Weiner, resigned, was announced.

Legion Changes Its Rating on 'Darling'

Cut version of "Yes, My Darling Daughter" was yesterday given a classification of partly objectionable instead of condemned by National Legion of Decency. Classification was changed upon assurances from Jack L. Warner, vice-president in charge of production, that only the revised version would be shown throughout the country. Still objectionable, according to the Legion, are "indications of a light treatment of marriage and parental authority, and allusions that fundamental moral standards are changeable."

Judges Named for Burkan Essay Test

A committee to judge the best of 40 prize-winning essays submitted in the first annual Nathan Burkan Memorial competition, sponsored by Ascap, was named yesterday by Thomas B. Robertson, chairman of the Patent, Trade Mark and Copyright section of the American Bar Ass'n.

Each of the essays was the winner in a preliminary contest by students in 40 American law schools on the subject of copyright law. Edward A. Sargoy, attorney for the Copyright Protection Bureau and chairman of the copyright committee of the American Bar Ass'n, was named chairman of the judging committee. Other members are Stephen P. Ladas, New York; Edward S. Rogers, Chicago; Dr. Louis Charles Smith, Washington. D. C., and Prof. John H. Wigmore, Chicago.

Loew Salaries Total $13,832,846 for '38

Total of $13,832,846 was paid to 172 studio executives, producers, supervisors, actors, writers and cameramen by Loew's in 1938. The report was filed with the S.E.C. and contained the names of all receiving more than $20,000. Nicholas M. Schenck, president, received $351,042; Louis B. Mayer, vice president in charge of production, $893,300; and J. Robert Rubin, vice president, $493,230. The year ended Aug. 31, 1938.

Director, Producer Pact Agreement Set

HOLLYWOD, March 2.—The Screen Directors Guild and producers early Thursday morning reached agreement on a bargaining contract for directors, assistant directors and unit managers. Final papers will be drawn by attorneys for both sides and presentation to members of the S.D.G. and the Association of Motion Picture Producers for ratification will be made next week. Details of the pact were not revealed.

Republic Gross In '38 Was $7,373,972

(*Continued from page* 1)

the business has been confined largely to phonograph records.

In the reference to Consolidated's investment in Republic, the report states that the number of theatres playing Republic films is "very substantially in excess" of a year previously. In 1939 the company will receive a larger share of the gross in the United States, Canada and the British Isles as a result of a revision of agreements with franchised distributors. On the basis of these revisions and the 1938 gross, the company's share would have increased $448,928 over the amount it actually received in 1938, according to the report. Substantial progress will be reflected during the current season, the management feels.

Consolidated's net sales and royalties in 1938 totaled $8,799,875, with a net profit therefrom of $533,574. Other income totaled $300,953. Dividends paid on the cumulative participating preferred stock amounted to $400,000 during the year. On Dec. 31, 1938, the consolidated earned surplus was $3,584,199.

Total assets are listed as $11,453,-531, and current liabilities $544,970. Total current and working assets as at Dec. 31, 1938, are listed as $5,076,-656. Assets also include secured notes maturing after 1939 due from Motion Picture Realty Co. and "Universal" real estate and mortgages, $1,000,000; properties and plants, $4,054,362; cash surrender value of life insurance, $127,799; investments in securities of other companies, $902,100; prints and negatives, $233,436; goodwill, patents, etc., $1, and prepaid expenses and deferred charges, $64,176.

Dividend arrearages on the 400,000 shares of preferred stock, at $7 a share, are $2,800,000.

Proposed Closing of 'Abe Lincoln' Cited In Stage-Film Row

Cancellation of the Broadway run of "Abe Lincoln in Illinois," Robert E. Sherwood's play, because of the sale of film rights, is regarded in Dramatists' Guild circles as lending weight to the argument that release dates and production schedules frequently interfere with the legitimate stage. Despite the fact that large audiences would be attracted during the World's Fair, the play is scheduled to close in the early summer. Plans for a road company have been abandoned.

There is an active group within the Guild, composed largely of the more established playwrights, which believes that the first concern should be the preservation of the legitimate stage. This group backed the present basic agreement which led to the withdrawal of film company backing from legitimate stage productions.

Proponents of this point of view contend that, although the death rate has been high, Broadway has had an unusually large number of productions this season. This fact is cited to prove that backing can be obtained from other than film sources. It is felt that when film money enters the scene, the legitimate stage angle becomes secondary.

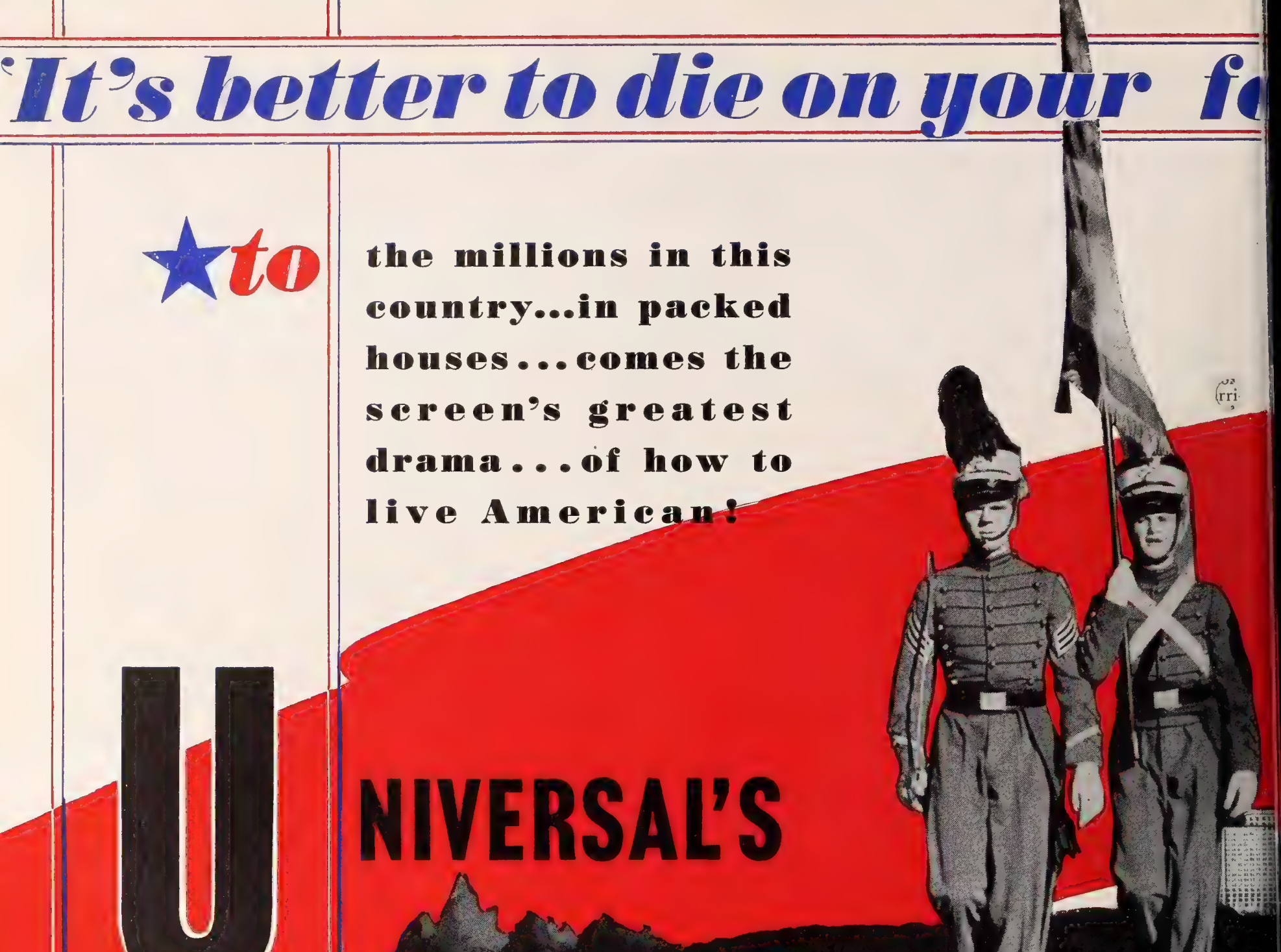
Precautions to prevent cancellation of the Broadway run are made doubly important by the fact that the proposed modification provides that the purchase price depends on the length of the run. Although both sides are agreed in principle, legal minds are still uncertain of the formula which will prevent a play's run from being cut short.

M-G-M to Give Suit Data

Metro - Goldwyn - Mayer Pictures Corp. was ordered yesterday by N. Y. Supreme Court Justice Ferdinand A. Pecora to submit agreements covering acquition by Leo Feist, Inc. of musical rights to "Rio Rita" and "Kid Boots" for inspection by Edgar F. Bitner, and the estate of Leo Feist, plaintiffs in a suit for $44,250 apiece against M-G-M. Suit is for alleged balance due under a deal transferring control of Leo Feist, Inc. to M-G-M, which has counterclaimed for $128,000 against the plaintiffs.

'It's better to die on your fe

★to the millions in this country...in packed houses...comes the screen's greatest drama...of how to live American!



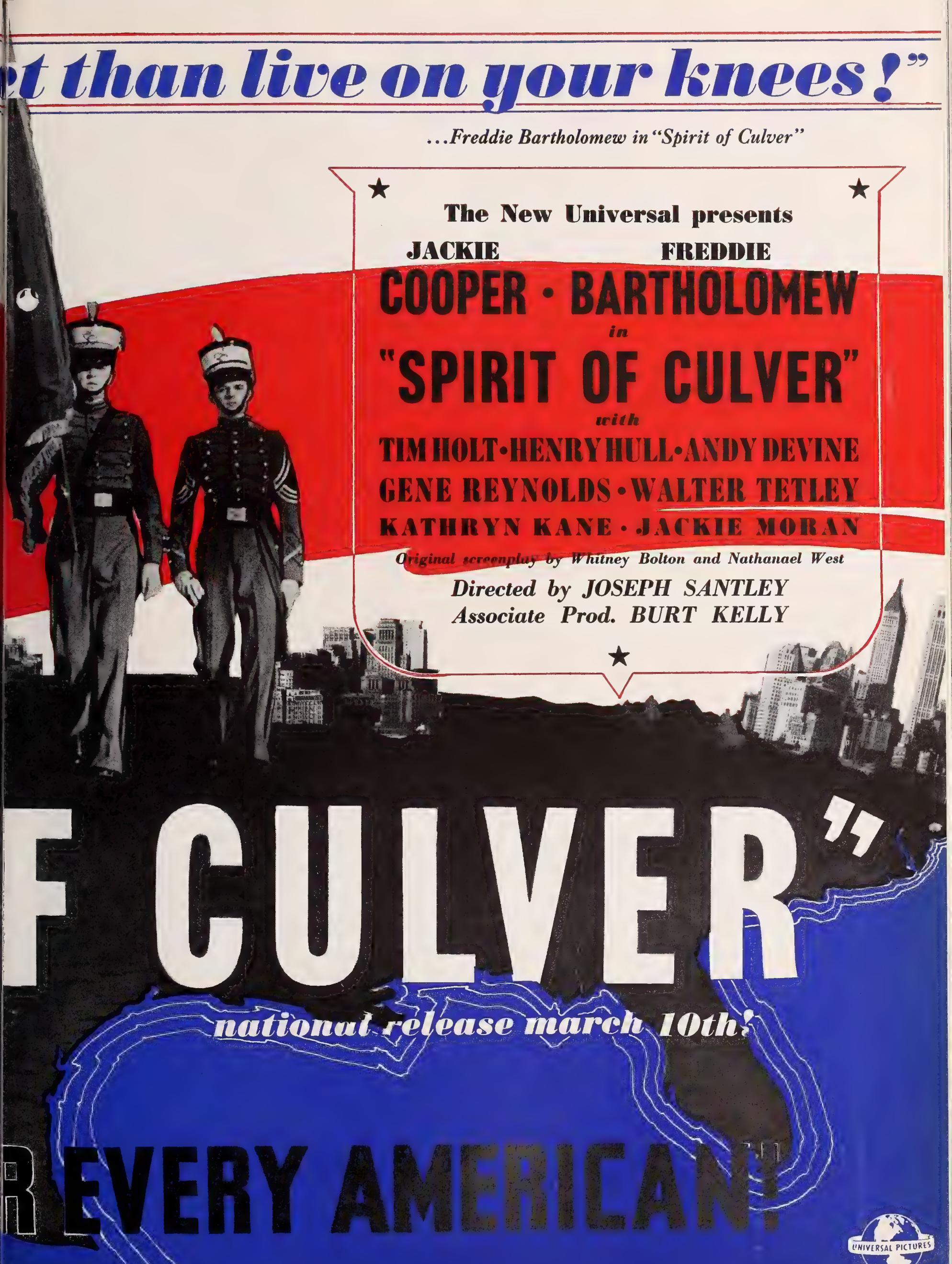
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...t than live on your knees!"

...Freddie Bartholomew in "Spirit of Culver"



Domination of World Screen By U. S. Drops

WASHINGTON, March 2.—Intensified nationalism in various parts of the world during 1938, leading to restrictions on imports and protection and subsidization of home industry have led to a decline in American product's domination of the world screen. The decline is from 70 per cent to 65 per cent.

This is the conclusion in a review of the foreign film markets during 1938, prepared by the Motion Picture Division of the U.S. Department of Commerce, of which Nathan D. Golden is chief.

The "troublesome" quota system appears to show a tendency to spread, the review points out, and foreign exchange controls and censorship were continuing problems during the year, although with few major changes. Specifically cited are the new quota laws in England, the drastic Italian ENIC decree, and the extension of Nazi power over Austria and part of Czecho-Slovakia, which resulted in virtually shutting American product out of those areas.

Market Far from Lost

Of the Italian decree the review says: "This is something new in restrictions. It is the first time that a foreign government has gone into the business of distributing motion pictures for the outward purpose of profit." The restrictive tendency is seen spreading in those countries which look to Germany for economic assistance.

The European market for American product, however, is far from being lost, the review indicates, and cites England, France, Belgium, Denmark, the Netherlands, Finland, Norway, Poland and Sweden.

Despite the lifting of the ban on American film imports to Japan to permit the entrance of 200 films during 1938, after a 13-month prohibition, the review points to predictions that legislation is being drafted for introduction in the Japanese Diet, convening this month, which will provide for rigid control over all phases of the Japanese film industry.

The new quota provisions in New South Wales, Australia, also are cited.

Must Emphasize Quality

The review points out that the Latin American market, with its 5,239 potential theatre outlets, is receiving closer attention from American companies, in a move to offset the restrictions in other parts of the world. It is recommended that American companies produce in Hollywood Spanish-dialogue films, with stage favorites brought from South America. American companies will have Spanish language films to carry other American product, now often relegated to the background.

It is recorded that American product dropped from a showing of 70 per cent of the total in Peru in 1937 to 49 per cent in 1938, because of the increase of Spanish-language films. The exception to Latin American growth is cited as Argentina, where new restrictive film legislation is pending, and the trend seems to be against American importations.

The review strongly recommends that to offset the restrictions abroad, American companies must emphasize above all else the contrast in quality between American and foreign product. "It is unwise to try to export mediocre films." American companies should send only their choice films to the foreign market, it is suggested.

During 1938 foreign production totaled approximately 1,706 features, compared with 1,809 in 1937. The Far and Near East led in production, with 967 features, Japan accounting for 575 and India for 200. Production in Europe fell off sharply in 1938, the report shows. In 1938 all European countries produced a total of 609 features, Germany leading with 137, followed by France, 122; England, 85, Russia, 51, Italy, 47.

Latin American production jumped by 40 features, with 130 produced in 1938, compared with 90 in 1937. Mexico led, with 60, Argentina following with 50.

Basketball Games Between Features

Hastings, Neb., March 2.—A basketball tournament will be held on the stage of the Rivoli here March 8-10, according to Orville Rennie, manager. Four teams will compete. Games will be played each night between the first and second features.

Theatre Total Off 7 In Iowa Trade Area

OMAHA, March 2.—Only a slight decrease in the number of theatres in the Omaha trade territory of Nebraska, southwest Iowa and southwest South Dakota, has been evident the past year, according to the territory's theatre guide.

There were 302 theatres in Nebraska in 1939 as compared to 309 in 1938. The Iowa territory remained the same, 131 houses, with 44 for 1938 and 1939 in the South Dakota area.

Fifty-four of the Nebraska houses are closed, the same number as a year ago. There was a decrease from eight to five in the number of closed houses in Iowa.

Sunday Pictures Bill Offered in Delaware

WILMINGTON, March 2.—A bill to legalize Sunday motion pictures was introduced in the Delaware legislature today. The measure applies to cities over 25,000 population and sets the time for shows to open at 2 o'clock in the afternoon. Provision also is made for ratification of the measure by voters after passage.

Actually the bill is designed for Wilmington as it is the only city which comes under the population provision. This is the second Sunday show bill introduced at the present session.

Fagan to Circuit

KANSAS CITY, March 2.—Breckenridge Fagan, assistant manager of the Electric in Kansas City, Kan., has resigned to go with the Intermountain Theatres at Salt Lake City as utility man. Al C. Dumont succeeds him.

Scophony Weighing Plans for American Television Circuit

LONDON, March 2.—Scophony television and Monseigneur newsreel theatre groups are working on plans for a circuit of probably 15 theatres seating 400 each in the United States. New York and Chicago are mentioned among key cities where theatres may be established, equipped for Scophony television reception.

Sol Sagall, Scophony managing director, plans to leave for the United States this month and Jack Davis, head of Monseigneur, may arrive in April. Sagall was in New York several weeks ago and attempted to interest financing in his proposals.

'Oklahoma' Openings In Name State Today

OKLAHOMA CITY, March 2.—Warners' "The Oklahoma Kid" will have its dual premiere here at the Criterion and in Tulsa at the Orpheum tomorrow. Wiley Post Park here has been made into a pioneer camp for a barbecue to precede the premiere. A parade to the theatre will follow. Humphrey Bogart, featured in the film, is here for the opening and yesterday was the guest of Governor Phillips at a special screening in the executive mansion. At Tulsa the opening will be preceded by a luncheon at which men who figured in the early days of Oklahoma will be guests. Both openings will be broadcast.

Coast Fair Sets Day For Zanuck's 'Bell'

HOLLYWOOD, March. 2.—March 29 has been proclaimed as "20th Century-Fox Day" at the San Francisco World's Fair as a tribute to Darryl Zanuck's "Story of Alexander Graham Bell." The film will be the first to be shown at the Fair and there will be a special preview on March 29 at the Fair grounds with a special train bringing Hollywood correspondents as guests of the company and Fair.

Catholic Alumnae Laud Warner Films

Harry M. Warner is lauded by the motion picture department of the International Federation of Catholic Alumnae for his patriotic service in producing historical films. Specifically mentioned are "The Declaration of Independence," winner of the 1938 Academy Award, and "Lincoln in the White House."

Kirsch Is Reelected By Allied of Illinois

CHICAGO, March 2.—Jack Kirsch was reelected president of Allied of Illinois at the annual meeting today. Van Nomikos was reelected vice-president along with all other officers and directors. At the meeting there was a discussion of the proposed trade practice agreement, led by Kirsch.

Branch Managers At Warner Meet

Headed by Jack L. Warner, vice-president in charge of production, Warner coast and home office executives, in addition to district and branch managers, will attend the annual convention March 13 and 14 at the Waldorf-Astoria.

Expected in from the coast is Hal B. Wallis, associate executive in charge of production. Gradwell L. Sears will preside. Other executives attending the meet are Major Albert Warner, Charles Einfeld, director of advertising and publicity; Carl Leserman, assistant general sales manager; Joseph Bernhard, vice-president and general manager of Warner Theatres; Sam E. Morris, vice-president in charge of foreign distribution; Joseph Hummel, general foreign sales manager; Jacob Wilk, story editor; Norman H. Moray, Vitaphone sales manager; Sam Sax, production executive of the Brooklyn Vitaphone Studios; Roy Haines, eastern and canadian sales manager; Ben Kalmenson, western and southern sales manager; Mort Blumenstock, in charge of advertising and publicity in the east.

Also attending from the home office are A. W. Schwalberg, supervisor of exchanges; Arthur Sachson, head of the playdate department; H. M. Doherty, auditor of exchanges; Stanley Hatch, advertising accessories sales manager; I. F. Dolid, assistant to Norman Moray.

District and Branch Heads

District and branch managers attending the convention are:

Ed Schnitzer, eastern district manager, with headquarters in New York, and branch managers: Paul S. Krumenacker, Albany; N. J. Ayers, Boston; Charles Rich, Buffalo; John Pavone, New Haven; Harry Decker, New York-Brooklyn; Harry Hummell, New Jersey.

R. Smeltzer, central district manager, with headquarters in Washington, and branch managers: A. Shmitken, Cincinnati; H. J. Ochs, Cleveland; F. E. North, Detroit; W. G. Mansell, Philadelphia; Harry Seed, Pittsburgh; F. W. Beiersdorf, Washington.

Rud Lohrenz, midwest district manager, with headquarters in Chicago, and branch managers: T. R. Gilliam, Chicago; A. W. Anderson, Des Miones; Fred Greenberg, Indianapolis; R. T. Smith, Milwaukee; C. K. Olson, Minneapolis; E. D. Perkins, Omaha; Hall Walsh, St. Louis.

Fred M. Jack, southern district manager, with headquarters in Dallas, and branch managers: R. L. McCoy, Atlanta; John A. Bachman, Charlotte; Doak Roberts, Dallas; William Warner, Kansas City; W. O. Williamson, Jr., Memphis; L. Conner, New Orleans; J. O. Rohde, Oklahoma City.

W. E. Callaway, west coast district manager, with headquarters in Los Angeles, and branch managers: E. A. Bell, Denver; N. H. Brower, Los Angeles; V. Stewart, Portland; William F. Gordon, Salt Lake City; Henry Herbel, San Francisco; Al Oxtoby, Seattle.

Wolfe Cohen, Canadian district manager, with headquarters in Toronto, and branch managers: L. Geller, Calgary; M. J. Isman, Montreal; L. McKenzie, Saint John; Jos. Plottel, Toronto; I. Coval, Vancouver; G. A. Simmons, Winnipeg.

'Daughter' at $33,300 in 2 L.A. Theatres

LOS ANGELES, March 2.—"Yes, My Darling Daughter" on a dual with "Torchy Blane in Chinatown" grossed $33,300 at two houses, taking $17,000 at the Warner Hollywood and $16,300 at the Warner Downtown.

"St. Louis Blues" did $19,000 at the Paramount, and "Pygmalion" continued strong, taking $6,100 in its ninth week at the 4 Star.

Estimated takings for the week ending March 1:

"Made For Each Other" (U. A.)
"Pardon Our Nerve" (20th-Fox)
CHINESE — (2,500), 30c-75c, 7 days. Gross: $10,300. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 9th week. Gross: $6,100. (Average, $3,250)
"The Great Man Votes" (RKO)
"Let Us Live" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $6,300. (Average, $6,500)
"Made For Each Other" (U. A.)
"Pardon Our Nerve" (20th-Fox)
LOEW'S STATE — (2,500) (30c-75c) 7 days. Gross: $10,900. (Average, $14,000)
"The Great Man Votes" (RKO)
"Let Us Live" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $6,100. (Average, $7,000)
"St. Louis Blues" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: Maxine Sullivan, F. & M. revue, Smith Ballew and orch. Gross: $19,000. (Average, $18,000)
"Yes, My Darling Daughter" (W. B.)
"Torchy Blane in Chinatown" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days. Gross: $17,000. (Average, $14,000)
"Yes, My Darling Daughter" (W. B.)
"Torchy Blane in Chinatown" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $16,300. (Average, $12,000)

'Gunga Din' with $10,000 Is Best Milwaukee Gross

MILWAUKEE, March 2.—"Gunga Din" was tops in an otherwise quiet week, grossing $10,000 at the Warner. "Idiot's Delight" collected $8,500 at Fox's Wisconsin.

"Monastery," at the Little, was strong, grossing $4,100.

Estimated takings for the week ending Feb. 22-23:

"The Three Musketeers" (20th-Fox)
"Say It In French" (Para.)
PALACE—(2,400) (35c-50c) 6 days. Gross: $4,300. (Average, $5,000)
"Gunga Din" (RKO)
WARNER — (2,400) (35c-50c) 7 days. Gross: $10,000. (Average, $5,000)
"Monastery" (S.R.)
LITTLE THEATRE — (1,098) 7 days. Gross: $4,100.
"Pride of the Navy" (Rep.)
"Federal Man-Hunt" (Rep.)
RIVERSIDE — (2,300) (25c-30c) 7 days. Stage: Vaudeville. Gross: $5,000. (Average, $5,000)
"Huckleberry Finn" (M-G-M)
"Four Girls in White" (M-G-M)
STRAND—(1,400) (35c-50c) 7 days. Gross: $4,200. (Average, $4,500)
"Idiot's Delight" (M-G-M)
WISCONSIN — (3,200) (35c-50c) 7 days. Gross: $8,500. (Average, $8,000)

Cooper, Niven Signed

Samuel Goldwyn has signed a new contract with Gary Cooper calling for exclusive services of the actor. Contract of David Niven was superseded by a new one running for seven years.

Out Hollywood Way

HOLLYWOOD, March 2.—"The Moon and Sixpence," one of W. SOMERSET MAUGHAM'S earlier novels, is being prepared for EDWARD G. ROBINSON at Warners . . . Coronado Pictures is preparing "Covered Trails" and "Stagecoach Westward" for early production and release by Grand National. ARTHUR HOERL wrote the original screenplays for both. They are musical westerns featuring girls . . . "Madame Mystery" will be ISA MIRANDA'S next for Paramount. It is from an original, "Tempted," by FRANK O'CONNOR. GEORGE FITZMAURICE will direct the picture, based on international intrigue in the diamond mines of South Africa . . . Paramount has purchased RENE FUELOEP-MILLER'S book, "Triumph over Pain," story of DR. WILLIAM MORTON, Boston dentist who discovered anaesthesia. ARTHUR HORNBLOW will produce, with HENRY HATHAWAY directing the PRESTON STURGES script.

✚

HARRY SHERMAN has borrowed TITO GUIZAR for "The Double Dyed Deceiver," the next Hopalong Cassidy story starring WILLIAM BOYD . . . FREDDIE BARTHOLOMEW and JACKIE COOPER, co-starred in Universal's "Spirit of Culver," will be teamed again in "Flying Cadets," story of American youth in aviation. WHITNEY BOLTON, who wrote the "Culver" screenplay, and CHARLES GRAYSON are writing the original screenplay which BURT KELLY will produce.

✚

Warners has purchased "The Lady with Red Hair," story of the life of Mrs. Leslie Carter, for BETTE DAVIS. First MISS DAVIS must make "The Old Maid," "All This and Heaven, Too," and "The Knight and the Lady" . . . Another Warner property being pushed for production is "The Adventures of Don Juan," in which ERROL FLYNN will have the title role. The story is by BESS MEREDYTH. Her husband, MICHAEL CURTIZ, will direct the picture from a script by ROLAND LEIGH . . . HUMPHREY BOGART'S first romantic lead will be in Warners' "The Old Maid."

✚

RICHARD DIX is suffering from broken bones in his right hand, the fractures having occurred during too-enthusiastic Indian fighting in Republic's "Man of Conquest" . . . RAMOS COBIAN has left for New York to deliver "Los Hijos Mandan," to 20th Century-Fox and meet AMANDA LEDESMA and ALBERTO VILA, Argentine stars, arriving en route to Hollywood to make two films for Cobian . . . GEORGE SANDERS sails March 10 for England to play the title role in RKO's "The Saint in London," to be made in London. WILLIAM SISTROM will produce . . . Columbia by April 1 will have three big pictures in work. They are "Good Girls go to Paris, Too," starring MELVYN DOUGLAS and JOAN BLONDELL; "Our Wife," starring CARY GRANT and LORETTA YOUNG, and "Mr. Smith Goes to Washington," to be produced and directed by FRANK CAPRA.

✚

"Mr. and Mrs. Bulldog Drummond" is the tentative title for the next in the Paramount series featuring JOHN HOWARD and HEATHER ANGEL . . . MARGOT STEVENSON, for two years the feminine lead of the stage play "You Can't Take It with You," has been signed by SAMUEL GOLDWYN, and will appear in "The Restless Age," which will feature JASCHA HEIFETZ . . . KAY FRANCIS returns to the screen in RKO's "Memory of Love," starring CAROLE LOMBARD . . . RKO has purchased "The Day the Bookies Wept," original story by DANIEL FUCHS, as a vehicle for JOE PENNER . . . Another RKO purchase is "Timber Stampede," original by BERNARD MCCONVILLE for a GEORGE O'BRIEN vehicle . . . M-G-M has signed LOUISE PRATT to play opposite MELVYN DOUGLAS in "A Hundred to One." LESLIE FENTON is directing and EDWARD CHODOROV producing.

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LOUISE CAMPBELL has been signed by CHARLES R. ROGERS for the lead opposite BING CROSBY in Paramount's "The Star Maker" . . . JACKIE MORAN and MARCIA MAE JONES, both 14, have been signed by Monogram to co-star in a series of four pictures on the 1939-'40 program . . . ANN SHERIDAN draws the feminine lead in "Battle of City Hall," which will feature the "Dead End" kids . . . DOUGLAS FAIRBANKS, JR., has been signed to appear with BASIL RATHBONE in Universal's "The Sun Never Sets," a high budget production of the British consular service.

'Each Other' Draws Big $13,000, Buffalo

BUFFALO, March 2.—"Made for Each Other," playing the Buffalo, earned $13,000. "Gunga Din" wound up a second week at the Great Lakes with $7,500.

Estimated takings for the week ending Feb. 25:

"Made for Each Other" (U. A.)
BUFFALO — (3,000) (30c-55c) 7 days. Gross: $13,000. (Average, $12,000)
"Gunga Din" (RKO)
GREAT LAKES—(3,000) (30c-50c) 7 days, 2nd week. Gross: $7,500. (Average, $7,500)
"Four Girls in White" (M-G-M)
"Arrest Bulldog Drummond" (Para.)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,000. (Average, $6,800)
"Persons in Hiding" (Para.)
"Next Time I Marry" (RKO)
CENTURY—(3,000) (25c) 6 days. Gross: $5,000. (Average $6,000)
"Secrets of a Nurse" (Univ.)
"Long Shot" (G.N.)
LAFAYETTE — (3,300) (25c) 6 days. Gross: $5,500. (Average, $6,300)

'Honolulu' Is Omaha Smash with $11,800

OMAHA, March 2.—"Honolulu," dualed with "Disbarred," set the pace here with $11,800 at the Orpheum. "Made for Each Other" with "Submarine Patrol" hit $9,300 at the Omaha. "Gunga Din" ran solo for $7,800 at the Brandeis. Grosses were good despite cold and snow.

Estimated takings for the week ending Feb. 22-23:

"Gunga Din" (RKO)
BRANDEIS—(1,800) (25c-35c-40c) 7 days. Gross: $7,800. (Average, $4,000)
"Made for Each Other" (U.A.)
"Submarine Patrol" (20th-Fox)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $9,300. (Average, $5,500)
"Honolulu" (M-G-M)
"Disbarred" (Para.)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: $11,800. (Average, $7,200)

'Underworld' Chicago High With $14,400

CHICAGO, March 2.—"King of the Underworld" and "Pride of the Navy" at the Oriental, plus a stage show, took $14,400, in a week of spotty grosses generally.

"Swing, Sister, Swing," at the State-Lake, with vaudeville, did $13,000, and "Gunga Din" in the third week at the Palace drew $19,200.

Estimated takings for the week ending Feb. 22-25:

"Pygmalion" (M-G-M)
APOLLO — (1,400) (35c-55c-75c) 7 days, 2nd week. Gross: $7,200. (Average, $6,500)
"The Beachcomber" (Para.)
CHICAGO — (4,000) (35c-55c-75c) 7 days. Stage: Paul Draper and Revue. Gross: $23,800. (Average, $32,000)
"Idiot's Delight" (M-G-M)
GARRICK — (900) (35c-40c-50c) 7 days. Gross: $6,600. (Average, $6,500)
"King of the Underworld" (W.B.)
"Pride of the Navy" (Rep.)
ORIENTAL—(3,400) (25c-35c-50c) 7 days. Stage: Benny Baker with Revue. Gross: $14,400. (Average, $13,000)
"Gunga Din" (RKO)
PALACE — (2,500) (35c-55c-75c) 7 days, 3rd week. Stage: Chester Hale Girls & Revue. Gross: $19,200. (Average, $19,000)
"St. Louis Blues" (Para.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $8,500. (Average, $11,000)
"Swing, Sister, Swing" (Univ.)
STATE-LAKE — (2,700) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $13,000. (Average, $12,000)
"Honolulu" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $11,200. (Average, $15,000)

Mitzi Green and "Blues" $16,500 Washington Lead

WASHINGTON, March 2.—A return engagement of "Honolulu" drew $5,000 at Loew's Columbia to lead. Most of the other first run houses were off.

Loew's Capital took $16,500 with Mitzi Green and "St. Louis Blues." "Gunga Din" drew $8,000 in the third week at the RKO Keith.

Estimated takings for the week ending Feb. 23:

"St. Louis Blues" (Para.)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Mitzi Green, Count Berni Vici. Gross: $16,500. (Average, $16,500)
"Honolulu" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days. Gross: $5,000. (Average, $4,200)
"Idiot's Delight" (M-G-M)
LOEW'S PALACE — (2,370) (25c-55c) 7 days, 2nd week. Gross: $10,500. (Average, $11,500)
"Gunga Din" (RKO)
RKO-KEITH'S—(1,836) (25c-55c) 7 days, 3rd week. Gross: $8,000. (Average, $10,000)
"Let Us Live" (Col.)
WARNER'S EARLE—(2,218) (25c-66c) 7 days. Stage: Gus Van & Minstrel Show. Gross: $15,000. (Average, $16,000)
"King of the Underworld" (W.B.)
WARNERS' METROPOLITAN — (1,591) (25c-40c) 7 days. Gross: $3,800. (Average, $4,000)

Three Firms Chartered

ALBANY, March 2.—New companies chartered here include Prescott Theatre Corp., New York; Levar Model Theatre Corp., New York, and English Films, Inc., New York.

NBC Time Sales Up 7.2% in February to Gross of $3,748,695

Continuing to show uninterrupted increases in business, time sale volume for February at NBC grossed $3,748,695, an increase of 7.2 per cent. CBS's February billings, on the other hand, show a decline of 5.2 per cent for the month.

Of the $3,748,695 NBC February gross, the Red network accounted for $2,823,497, and the Blue for $925,198. Last year's February gross was $3,498,153.

Cumulative total for the two months of this year for NBC is $7,782,595, an increase of 6.7 per cent compared to the cumulative total for the period last year, of $7,291,569.

February billings at CBS totaled $2,541,542, a decline of 5.2 per cent compared to the total recorded in February of 1938, which was $2,680,335, Cumulative total for the months of January and February are $5,215,595, a decline of 6.2 per cent compared to the total for the same period last year, of $5,560,280.

Mutual's February billings, as indicated here yesterday, amounted to $276,605, an increase of 9.2 per cent for the month. Cumulative billings for Mutual totaled $591,683, a rise of 13.1 per cent.

Three Minnesota Stations to NBC

Three 100-watt Minnesota stations, to be known as the Minnesota network, will become affiliated with NBC on Monday. The three stations are KYSM, Mankato; KROC, Rochester; and KFAM, St. Cloud.

Until the termination of the affiliation with WWNC, Asheville, N. C., on April 1, and KOIL, Omaha, on April 29, NBC stations, with the addition of the Minnesota stations, will total 173. WKBO, Harrisburg, Pa., was announced as a new NBC station on Wednesday.

KYSM operates on 1,500 kilocycles and is owned by the Southern Minnesota Supply Co. KROC operates on 1,310 kilocycles, under ownership of Southern Minnesota Broadcasting Co. KFAM operates on 1,420 kilocycles and is owned by the Times Publishing Co., publishers of the *Times-Journal* in St. Cloud.

Sold only as a group, the stations may be used as supplementaries on the basic Blue or Red networks. The group rate will be $120 per hour.

CBS Suit Deposition Set

CBS and Pickford-Lasky Productions, Inc., defendants in a $250,000 plagiarism suit pending in California, yesterday filed notice in U. S. District Court that depositions of Lynn Farnol, Jo Milward and Mrs. Milward will be taken in New York on March 13. The suit is based on a claim by Cyril Charles Maison who charges infringement of a script used on Pickford's program.

Specials on Pope Released by Reels

All newsreels, with the exception of Movietone News, made up specials on the election of Cardinal Pacelli as Pope, yesterday, and they were sent out by plane for exhibition today. Movietone fortunately designated Cardinal Pacelli as the leading candidate and did not feel that a special was necessary under the circumstances. Although it is understood that all reels have prepared for speeding the films from the Vatican, none would disclose the actual plans.

N. J. Allied Backs Block Booking Bill

Endorsement of the pending Neely anti-block booking bill was voted by resolution adopted by Allied of New Jersey at an all-day meeting at the Tavern in Newark yesterday. A copy of the resolution will be sent to the Senate Interstate Commerce Committee which is to hold hearings on the measure.

Members decided to support the "Committee of 56" in Hollywood which is conducting a campaign for reaffirmation of American principles. The committee's declaration will be made available to New Jersey patrons for signing. The first of Allied's series of patriotic trailers is being shown in members' theatres.

A letter from Darryl F. Zanuck was read thanking the organization for commending his stand on film players on the air. George Gold presided at the meeting. The next meeting will be in Camden.

Cole, Allied Head, In N. Y. Next Week

Col. H. A. Cole, Allied president and chairman of its trade practice negotiating committee, is due in New York next week. He has scheduled a meeting with New Jersey Allied directors for March 13.

He will also meet with New York Allied directors, the date to be determined. He is holding similar conferences with other eastern units.

Rodgers Off to Coast To Set New Program

William F. Rodgers, M-G-M general sales manager, leaves for the coast tonight to complete details of the 1939-'40 program with Al Lichtman, vice-president, and other executives. He will remain there two weeks, then attend the sales convention in Chicago, starting March 19, over which he will preside.

M.H.P.Hoffman,Jr.,Dies

HOLLYWOOD, March 2.—M. H. Paul Hoffman, Jr., 29, son of M. H. Hoffman, now associate producer at Republic, died today at his Hollywood home.

All Networks Flash Word of New Pope Within One Minute

First word that a new Pope had been elected was broadcast virtually simultaneously by all three major networks, at a few seconds after 11:30 A.M. yesterday, although Mutual advances the claim that it scored a beat by broadcasting the news one full minute ahead of all other national networks.

The first announcement was sent to the three networks direct by HJV, the Vatican City radio station, with the Vatican City announcer, in various languages, describing the white smoke signal drifting from the roof of the Sistine Chapel. At 12:08 P.M. all three networks simultaneously broadcast the naming of Eugenio Cardinal Pacelli as Pope Pius XII, the first statement revealing which of the Cardinals had been named as the Pope. Previous announcements had been merely to the effect that a decision had been reached by the Cardinals.

CBS stated it was on the air with the first flash at 11:30:32 A.M. At 11:58 W2XE, CBS short-wave station, broadcast the news around the world. NBC's Red and Blue networks carried their first bulletin at 11:30:28, and began short-waving over W3XAL and W3XL at 11:30:46. Mutual's claim is for 11:30.

All the local independent stations followed the networks by approximately one minute.

Sears Promotes Two As Branch Managers

Promotion of two salesmen to branch managers is announced by Gradwell L. Sears, Warner general sales manager.

Sid Rose of Chicago takes charge of the Omaha branch. He replaces Earl Perkins, who joins the Minneapolis sales staff. William Shartin, Minneapolis salesman, is promoted to Seattle manager, replacing Al Oxtoby, resigned. The changes are effective immediately.

Ohio Censors Make 16 Cuts from 594 Reels

COLUMBUS, March 2.—The Ohio censors reviewed a total of 594 reels in February, from which 16 eliminations were ordered. There were no eliminations for the week ending Feb. 17.

This compares with 621 reels reviewed, and 51 eliminations ordered in January, 1938, and 533 reels with 18 eliminations in February, 1937.

20th-Fox Sets Dividends

Cash dividends of 37½ cents a share on preferred stock and 50 cents on the common were declared yesterday by 20th Century-Fox for the first 1939 quarter. Both are payable March 31 to stockholders of record March 15.

Elect Madeleine White

Madeleine S. White was reelected secretary of Monogram at Wednesday's meeting. Her name was inadvertently omitted by Monogram from its announcement of the elections.

Johnston Honored At Ampa Luncheon

By AL FINESTONE

Yesterday was "Monogram Day" at the Ampa luncheon at the Astor. One of the largest turnouts of the season was on hand to honor W. Ray Johnston, president of the company, on his 25th anniversary in the business.

On the dais, in addition to the guest of honor, were Scott R. Dunlap, vice-president in charge of production; Harry Ward A. Golden, first vice-president; Helen Westley, who is appearing in George Abbott's "The Primrose Path"; Bert Frohman, vaudeville entertainer, and Paul Lazarus, Jr., Ampa vice-president, who presided.

Johnston Reminisces

The Monogram executives spoke briefly, Johnston reminiscing of his early days as an actor at the Thanhouser studios in New Rochelle.

Miss Westley, introduced by Lazarus as "the backbone of the Theatre Guild and one of the legitimate theatre's most colorful characters," scored a hit when she started off by saying, "I'm no good without my lines and I have no lines."

"I have the greatest love for motion picture people; they bought my farm for me," she said. "Film fans sit in the balcony when they go to the legitimate theatre, and that's where the applause always starts. I'm glad to be back on the stage and to be working for George Abbott, but I'm keeping one eye on Hollywood."

Then she indulged in some kidding with Johnston which brought down the house.

Committee Named

Frohman started the proceedings by singing a couple of songs. He appears in William K. Howard's "Backdoor to Heaven."

Members elected the following seven-member committee to nominate Ampa officers for the ensuing year: Vincent Trotta, chairman; James A. Cron of MOTION PICTURE DAILY, Martin Starr, Gordon S. White, Monroe Greenthal, Lou Lifton and Rutgers Neilson. Election of officers is scheduled for April 13.

Para. to Send Train As 'Pacific' Stunt

HOLLYWOOD, March 2.—Paramount plans to send out a train consisting of an 1860 locomotive and cars hauled by a modern streamliner as exploitation on Cecil B. DeMille's "Union Pacific." The train will visit 33 key cities, starting April 17 and finishing its tour back in Hollywood about May 10.

The film will have its premiere in Omaha April 21. Cliff Lewis, Jack Dailey, Alec Moss and Carl Kreuger of the Paramount advertising department will go out ahead of the train to set newspaper advertising and arrange for its arrival at each city.

Increases Vaudeville

BOSTON, March 2.—Because of favorable response to the return of vaudeville at the RKO Keith, Ben Domingo, manager, has added another day of stage shows to the weekly schedule. Vaudeville will be shown four days, Thursday through Sunday, instead of three days.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 43 NEW YORK, MONDAY, MARCH 6, 1939 TEN CENTS

Goldwyn Will Deliver for UA Despite Suit

Has Approved Contracts For Last Three Pictures

Definite assurances have been had that Samuel Goldwyn will deliver the three remaining pictures on his current season's United Artists release schedule regardless of the action instituted last week by which Goldwyn seeks to have his current contract with the company cancelled.

Goldwyn has approved contracts which have been made with exhibitors for all three remaining pictures. They are "Wuthering Heights," "The Real Glory" and "Restless Age." The contracts are three-way agreements with Goldwyn, United Artists and the exhibitor accounts, it was pointed out by company officials.

Max D. Steuer, Goldwyn's attorney, returned to New York from Florida

(*Continued on page 6*)

Albany Is Skeptical On Censor Repeal

ALBANY, March 5.—Legislators on Capitol Hill minimized the remark attributed to Harry Brandt, I.T.O.A. head, that "he knew 30 Senators who would introduce a censor repeal bill." Sentiment was that if former Governor Al Smith, a foe of film censorship for 20 years, could make no headway, men in the industry itself could hardly expect to achieve repeal of the law which set up the Motion Picture Division under the Department of Education.

Chances of the enaction of any censorship legislation obviously are slim, with both houses controlled by upstate Republicans. Sentiment in the territory north of the Bronx is and has been in favor of a checkmate as evidenced by the overwhelming defeat of the many censor repeal bills.

Former Governor Smith made a fight on censorship in the Constitutional Convention as late as 1938, after having recommended its abolition in five successive annual messages to the legislature in the '20s. The former Governor mustered only 32 votes for an amendment to the measure intended to give the screen the same "freedom of press and of speech" as that enjoyed by newspapers.

In view of the meeting held by theatre men in New York, legislators expect a censor repeal bill to appear in both houses, under the sponsorship of metropolitan introducers.

Distributors Study Resumption in Spain

Distributors are looking forward to resuming operations in Spain. Prior to reestablishing its distributing organization, with headquarters at Barcelona, 20th Century-Fox has instructed William Morgan, manager in France, to make a survey of Nationalist territory. Skeleton staffs have been maintained in Loyalist and Insurgent territory.

Ostrer Seeks B.B.C. Hookup In Television

LONDON, March 5.—Gaumont British has advanced proposals for an ambitious television expansion program by British Broadcasting Corp. under which G B theatres would be permitted to receive the programs in return for G. B. and Baird cooperation in the operation of the new stations.

The proposal was advanced by Maurice Ostrer, G. B. head, and seeks B.B.C. financing for the establishment of a maximum of 12 new provincial television broadcasting and relay stations, to cost $250,000 or $300,000 each. Baird's technical resources and G. B.'s talent facilities would be available to B.B.C. in construction and operation of the stations, by way of return.

TRADE PROGRAM DEPENDS ON U S

Early Signing Of Ascap Law In Dakota Due

BISMARCK, March 5.—Governor Moses within the next few days will sign the North Dakota anti-Ascap law which was passed by the legislature just prior to its adjournment. The measure imposes a gross tax of three per cent on the earnings of the society in the state.

One minor amendment was adopted by the House prior to passage, clarifying the language of the bill to eliminate any possibility of the secretary of state' office being obliged to bear the cost of furnishing lists of copyrighted musical compositions required by the law. The Senate will concur in this clarification and the bill then will go to the Governor.

The U. S. Supreme Court's decisions on the constitutionality of the Florida and Washington anti-Ascap laws are expected in Washington today. The decisions, considered past due in that other cases heard at the same time were disposed of several weeks ago by the court, are expected to have a bearing on all present types of anti-Ascap measures. These include Nebraska, Montana and Tennessee laws.

Kent Cites Possibility That Pact May Be Called Illegal

The fact that there has been no indication from the Government as to its attitude on the proposed trade practice program, is disturbing to the conferees on the pact, even now with the program apparently in final drafting stages after eight months of work.

S. R. Kent, president of 20th Century-Fox and chairman of the distributors' trade practice committee, referred to this before leaving for the coast Friday night. Traveling with him was William F. Rodgers, M-G-M general sales manager and a member of the committee.

Kent said there have been a number of disturbing factors which have had a bearing on the writing of an acceptable program the latest being the Supreme Court's decision against the principal distributors in the Dallas anti-trust case.

U. S. May Upset Plans

It is conceivable, he said, that there might be other occurrences which would interfere with the planned program or even prevent putting it into effect.

It is possible, he declared, that the Government may decide it illegal for the eight major companies to get together, and "upset the whole thing."

In view of the anti-trust hurdle and lacking Government assurance, it can-

(*Continued on page 6*)

Writers, Studios Fail to Agree; NLRB Hearing Set

HOLLYWOOD, March 5.—Attempts to sound out the sentiment of producers and members of the Screen Writers' Guild toward the settlement of the long standing dispute over collective bargaining apparently have failed. Unless the situation changes suddenly, hearing of the N.L.R.B. charges of Wagner Act violation against major producers will go on as scheduled tomorrow.

No official statement was issued relative to sessions reportedly held during the week between representatives of the guild and producers. However, Charles Brackett, guild president, in a formal statement, said, "The Screen Writers' Guild has nothing to say in this matter. Any statements that have been made were made merely to becloud the issue." He referred to reports of secret sessions.

Bernard Alpert, special N.L.R.B. attorney here to conduct the board's case in the hearing of charges of failure to bargain collectively and intimidation of guild members by studios, said the hearing has not been postponed. He said he probably will require two weeks to present the board position before the special trial examiner, reported to be William R. Ringer. Alpert has met with Leonard S. Janofsky, guild attorney, and producer attorneys, to make stipulations concerning evidence already in the records from previous guild hearings.

20th-Fox to Make Only 2 in England

All of the 52 films scheduled by 20th Century-Fox for 1939-'40 will be made on the coast. There will also be two Gracie Fields films, made in England.

It had been reported that the company would schedule 48 Hollywood films and four from England.

S. R. Kent, president, left Friday night for studio meetings on the new program. Herman Wobber, sales head, who has been in Miami, joined him Saturday in Chicago. They will return shortly before the sales convention, to be held in Chicago April 3 to 5. Wobber may stop off there on his way back to supervise preparations. About 250 will attend.

Kent said that the new production budget will be set in the studio con-

(*Continued on page 6*)

Australian Sales Chiefs Due Here

Distribution policies for Australia, in view of the recently enacted regulations, will be the subject of conferences here late this month when Australian sales heads arrive. The new films act in New South Wales, including 25 per cent cancellation and a production quota, have raised new problems.

Three managing directors sailed Friday from Sidney on the *Monterey* and are due in Los Angeles March 20. They are Bernard Freeman, M-G-M; Harry Hunter, Paramount, and Clarence Hake, 20th Century-Fox.

Norman Bede Rydge, managing director of Greater Union Theatres and affiliated production-distribution interests, and Dan Carroll, Australian exhibitor, were scheduled to sail on the *Monterey*. Rydge has never been in this country before. He is a supporter of the new film legislation.

Ralph H Clark, Warner Australian head, arrived two weeks ago. He will remain until after the company's sales convention here, March 13 and 14.

Allied's Albany Unit To Meet Tomorrow

ALBANY, March 5.—New York Allied's Albany unit will meet for a luncheon discussion of legislative and other matters at the Hotel Ten Eyck here tomorrow. Mitchel Conery, who operates the Conery circuit in Schoharie and Albany counties, will preside.

The recently named grievance board will make its first report, and there will be a report by the clearance committee of the Albany region. E. Thornton Kelly of New York, state executive secretary, will speak on national Allied developments. From here he will go to Syracuse on organization matters.

Board Is Named for Pathe Laboratories

Members of the board of directors of the recently organized Pathe Laboratories were designated on Friday. They are O. Henry Briggs, president; T. P. Loach, vice-president; A. W. Miller, vice-president, Robert M. McKinney and Robert R. Young. All but Loach and Miller were members of the board of Pathe Film Corp.

Stock of the Pathe Laboratories will be distributed to Pathe Film stockholders March 29 to stockholders of record on March 13. The distribution is on the basis of one share for each 50 shares of Pathe Film held. Scrip will be issued for fractions of a share.

Dreifuss Moves East

Arthur Dreifuss, producer of one-reel Music Hall Vanities for Columbia, will transfer production from Hollywood to New York. Shooting date for eastern production is set for the week of March 20 with Nick Lucas, Vince Barnett and Mazzone Troupe in the cast. Dreifuss will direct and Nathaniel Shilkret will supervise the music. The New York staff includes Harry Engel, William C. Kent, Lou Strauss and Elizabeth Meyer. Kent is the only Hollywood holdover.

Purely Personal

ALFRED HITCHCOCK, English director, arrives here on the *Queen Mary* Thursday, accompanied by MRS. HITCHCOCK, his daughter, PATRICIA, and JOAN HARRISON, his production assistant. After a brief trip to Florida, he will go to the coast to make his first American film.

•

COL. HARRY E. LONG, Loew division manager, and NAT HOLT, RKO Great Lakes division manager in Cleveland, are both ill with the flu.

•

EARLE W. HAMMONS, Educational-Grand National president; JACK SKIRBALL, his production representative, and PAUL EDWARDS, eastern sales manager, were in Chicago yesterday with MORRIS SAFIR, western manager, and JAMES WINN, Chicago branch manager. They are expected here today or tomorrow.

•

HASKELL MASTERS, United Artists Canadian sales manager, is mourning the death of his mother, who was killed in an automobile accident in Miami Beach last year.

•

GRACE FISCHLER, secretary to MONROE GREENTHAL, director of exploitation and trade paper advertising of United Artists, has been married to FRED RUSSELL-SMITH.

•

VERA ZORINA, star of the stage show, "I Married an Angel," has been signed by Warners for the lead in the screen version of "On Your Toes."

•

JEROME JACKSON, Warners production chief in England, is due today from a Florida vacation.

ALEC MOSS, OWEN DAVIS, JACK L. WARNER, TOM GERETY, MAURICE BERGMAN and LOU BRANDT at lunch Friday at Nick's Hunting Room at the Astor.

•

TOM CONNORS of M-G-M, Bob O'DONNELL of Dallas and JOE VOGEL of Loew's are due Sunday from a three-week trip to Miami, Kingston and Havana.

•

KARL HOBLITZELLE, head of Interstate Circuit, and JOHN MORONEY, his attorney, left New York over the weekend for Dallas.

•

SONJA HENIE left New York Saturday for the 20th Century-Fox studio to begin work on "When Winter Comes."

•

ARTHUR "BUGS" BAER, *Journal American* columnist, with MRS. BAER and their two children, sailed Saturday on a West Indies cruise.

•

LLOYD LIND, assistant to GEORGE W. WEEKS, general sales manager at Monogram, left Saturday for a two-week tour of midwest exchanges.

•

ANTONIO ROMANO, manager of Associated Theatres in Providence, has returned after 10 days in Miami.

•

GEORGE TOBIAS has been signed by M-G-M to an acting contract.

•

SAMUEL CARLISLE, Warner comptroller, is in Florida.

•

TRUMAN H. TALLEY, Movietone News producer, is vacationing in Florida.

League, Equity Hold Ticket Code Parley

Meeting between League of New York Theatres and Actors' Equity to discuss the ticket brokers' code took place Friday at the Hotel Astor. Two joint committees will be appointed to give further consideration to the problem. Herman Shumlin, producer, will head the committee for legislation to enforce the code. Another group will study the workings of the present code and make recommendations for improvements. Members of the committees will be designated later this week.

Cobian Here with His First Spanish Film

Ramos Cobian has arrived from the coast with the negative of the first Spanish language film he made for 20th Century-Fox. Three more are scheduled, for distribution in Latin America.

Amanda Ledesma and Alberto Vila, Argentine players, who will make two films for Cobian, arrive today from Buenos Aires.

Fund Drawing March 16

Executive committee of the Motion Picture Art Fund for German Refugees has decided that the drawings for the contributed art work will be held at the next Ampa meeting at the Astor on March 16.

Detroit Leading in RKO Sales Campaign

Detroit RKO exchange, of which J. Sharkey is manager, is leading at the close of the fourth week of the RKO George Schaefer Drive.

The Albany exchange is in second place, managed by Bernard Kranze, and N. P. Jacobs' Los Angeles office is in third position. The western district, headed by Harry Cohen, has taken the lead in the billings race between the seven districts, including Canada.

'Wife, Husband' Gets $42,000 at the Roxy

"Wife, Husband and Friend" grossed an estimated $42,000 in its first week at the Roxy and is held over there. "The Little Princess" will follow it Friday. "Yes, My Darling Daughter" drew an estimated $45,000 at the Strand, and is also held over. At the Astor, "Pygmalion" grossed an estimated $12,000 in its twelfth week.

Col. British Staff Meets

Joseph Friedman, Columbia managing director for Britain, and Max Thorpe, sales manager for England, conclude a three-day sales meeting of the company's British sales forces today.

The company's American district managers wound up a two-day sales meeting at the home office over the weekend.

Hays Observes 17th Year in Screen Post

Will H. Hays observed his 17th anniversary in the industry yesterday. M.P.P.D.A. was organized with Hays as president on March 5, 1922.

The 17th annual meeting of the M.P.P.D.A. board is scheduled for March 27. All present officers are to be re-elected and no changes in the directorate are anticipated.

Spring Meeting of National This Week

Annual spring conference of National Theatres division heads with home office executives will be held here Thursday and Friday. Spyros Skouras, operating chief, will preside.

New season buying and general operating policies are scheduled for discussion. The meeting also will continue discussions started at a conference in Los Angeles a few weeks ago.

Attending will be Charles Skouras, Fox West Coast head, who arrives Thursday from Europe; Arch Bowles, San Francisco; Rick Ricketson, Denver; E. C. Rhoden, Kansas City; Harold J. Fitzgerald, Milwaukee, and Frank Newman, Seattle.

J. J. Sullivan, Fox West Coast film buyer, arrives today from Los Angeles and will sit in. Mike Rosenberg of FWC is here and may remain for the meeting.

Morros Closes Deals For 20 French Films

Boris Morros obtained commitments abroad on approximately 20 French productions which may be brought over for distribution here by his newly formed film importing company, he stated following his arrival in New York on the *Aquitania*.

Morros said he looked at 41 features which were screened for him in Paris and that his selections will be made from among the lot. He said that some of the imports may be remade here for the American market, while English titles will be superimposed on others.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Warner Bros.

Chalk up
Another
for HOLDOVER
HEADQUARTERS!

GARFIELD GOING GALORE IN "BLACKWELL'S ISLAND"! SPECIAL DEMAND PRE-RELEASE HITS RECORD FIRST 3 DAYS! SIX-WEEK STAY IN THE BAG AT GLOBE NEW YORK! WATCH!



with **ROSEMARY LANE** • **STANLEY FIELDS** • Directed by WILLIAM McGANN
Screen Play by Crane Wilbur • Original Story by Crane Wilbur & Lee Katz • A First National Picture

TO UNITED ARTISTS SALES

Subject: WUTHERING HEIGHTS National Ad
Break with Picture's April 7th

Samuel Goldwyn's WUTHERING HEIGHTS will lead the box-office attractions. Exactly timed with its April 7th release will be reading our aggressive direct-to-the-public selling in American Weekly and six other important publications tion of 23,000,000. • This vigorous advertising gives the to Hecht and MacArthur's strong-armed screenplay for Emily and revenge. THIS YEAR'S TOP EASTER BUSINESS WILL BE

Harry L. Gold
Eastern General Sales Manager

J. Screaifer
Western General Sales Manager





MEN ONLY

o 75,000,000
Release...

ASTER PARADE of
5,000,000 ticket-buyers
hru full page color ads
vith a combined circula-
nal merchandising punch
ronte's vivid novel of love
GOLDWYN BUSINESS!



LIFE
Circulation 1,900,000
April 7th

COSMOPOLITAN
Circulation 1,900,000



AMERICAN WEEKLY
Circulation
6,500,000
April 6th issue

The finest entertainment achievement of the producer and director who gave you THESE THREE, DODSWORTH & DEAD END

SAMUEL GOLDWYN
presents:

WUTHERING HEIGHTS

From the great novel by Emily Bronte

co-starring MERLE OBERON · LAURENCE OLIVIER · DAVID NIVEN

with Flora Robson · Donald Crisp · Geraldine Fitzgerald · *Screenplay by* Ben Hecht & Charles MacArthur

Directed by WILLIAM WYLER · *Released thru* UNITED ARTISTS

Mexico Moves to Build Up Production of Domestic Films

Exhibitors in Mexico showing domestic films now receive a substantial rebate in taxes, as a result of a move by the Government to foster local production, according to Juan Pezet, general manager of the Association of Motion Picture Producers of Mexico.

Pezet left Saturday for Mexico City after a week in New York during which he arranged with Mier Bros. for world release of his latest production, "El Cobarde," featuring Fernando Soler.

Blames Block Booking

Pezet said the Government was compelled to act in the interest of domestic producers because of "block booking methods" used by American distributors which resulted in 23 Mexican films undated up to last October. American companies adopted block booking to counteract the competition from domestic studios, he said.

"This protective measure on the part of the Government," he continued, "has resulted in 16 of the undated films being shown up to December. In Mexico, however, we realize that we must work hand in hand with Hollywood, at least for the time being, because of the limited output of our studios."

In Pezet's opinion 90 per cent of the Mexican filmgoers prefer Spanish language pictures, and, accordingly, the local industry is striving to increase its output.

Distribution Plan Formed

The Mexican industry is organizing a distribution system for Latin America, the main purpose being to stimulate Argentine production which would be acceptable in Mexico, thus meeting the growing demand for Latin American product.

Pezet believes that the distribution of Mexican films by American producers is harmful to the local industry. The average Mexican film, he says, grosses from 40,000 to 50,000 pesos (approximately $13,000 to $17,000) when handled by American distributors, whereas on being sold direct the gross may be as much as 100,000 to 150,000 pesos ($33,000 to $50,000).

This, he claims, is due to the fact that the American distributors do not push Spanish language films, merely using them as a means of selling their own programs.

Engel on Television

RCA-Victor has placed Francis H. Engel in charge of coordinating and planning sale of television home receivers, which RCA will place on the market in this area early this spring. Engel has been with the company for the past 16 years in various capacities.

Cukor to Direct 'Women'

HOLLYWOOD, March 5.—George Cukor will direct Norma Shearer in M-G-M's production of "The Women," adaptation of Clare Booth's Broadway play.

See No Increases In Quota Figures

London, March 5.—It is reliably reported here following the meeting of the Films Council, set up under the Films Act, that an increase in the quota percentages is highly unlikely.

Goldwyn Will Deliver For UA Despite Suit

(*Continued from page* 1)

over the weekend but said he had no statement to make regarding the action. Goldwyn, when asked for a statement in Hollywood last week, referred his questioners to Steuer. The latter, however, invited reporters to examine the summons and complaint which had been served on Edward C. Raftery, United Artists' secretary, last week. This was done, apparently because the Goldwyn people feel that the statement on the suit issued last week by Maurice Silverstone, United Artists' chief executive, did not carry their viewpoint.

Aside from the causes of action touched upon in Silverstone's statement, the complaint incorporates the "Silverstone plan" of distribution charges and bonus scales in effect between the company and its producers. Goldwyn was the only United Artists partner who opposed the adoption of the plan, which has been in effect one year and has two more years to go. The plan follows.

"Silverstone Plan"

American distribution charges are 25 per cent on individual features grossing up to $750,000. The following bonus refunds apply on pictures grossing more than that sum: two per cent on grosses from $750,000 to $1,000,000; three per cent on $1,000,000 to $1,250,000; five per cent on $1,250,000 to $1,500,000; seven and one-half per cent on $1,500,000 to $1,750,000, and 10 per cent on grosses over that amount.

British distribution charges are 25 per cent on a picture grossing less than $300,000, with a two per cent refund on a gross of $300,000 to $400,000; three per cent on $400,000 to $500,000; five per cent on $500,000 to $600,000; seven and one-half per cent on $600,000 to $700,000 and 10 per cent on a gross over $700,000.

An additional schedule of refunds is based on the grosses of all of the pictures delivered during an entire season by each United Artists producer. On American distribution the refund is two per cent on combined grosses of from $2,000,000 to $3,000,000; three per cent from $3,000,000 to $4,000,000; five per cent from $4,000,000 to $5,000,000; seven and one-half per cent from $5,000,000 to $6,000,000 and 10 per cent for more than $6,000,000.

In England the combined grosses refund is two per cent on $800,000 to $1,200,000; three per cent on $1,200,000 to $1,600,000; five per cent on $1,600,000 to $2,000,000; seven and one-half per cent on $2,000,000 to $2,400,000 and 10 per cent for over $2,400,000.

In addition, there is an "over-riding" refund based on the world played and earned figures for each producer's product. This provides for a two per cent refund on revenue from $8,000,000 to $9,000,000; three per cent on $9,000,000 to $10,000,000 and five per cent on all over $10,000,000.

The total of all classifications of these additional payments is limited to 50 per cent of the annual profits of the company.

The complaint also shows that the "favored nation" clause of the United Artists' producers' contracts was modified to permit the company to arrange special distribution terms on pictures produced abroad and not intended for distribution here.

Unit and Seat Tax Up In Wisconsin Senate

MADISON, Wis., March 5—A unit and seat tax on circuit theatres has been introduced in the senate. It provides a $5 tax on each theatre in a circuit up to five houses; $10 on each in a circuit of six to 10 and increases up to $100 each in circuits of 800 houses or more.

Although the levy applies only in Wisconsin theatres outside the state belonging to a Wisconsin circuit are counted in fixing the tax. The seat tax runs from one cent a seat on circuits having five or less houses up to 15 cents a seat for the largest circuits.

Another theatre tax measure is reported ready for introduction in the assembly. It calls for a five per cent levy on gross receipts of theatres.

Trade Program Held To Depend on U. S.

(*Continued from page* 1)

not be said with certainty that the program will go into effect, Kent declared. However, he expressed hope that local arbitration or conciliation boards could be set up by early summer. A definite date for the start of operations is impossible to predict at this time, but may be about June 1.

The distributors' drafting committee of lawyers, headed by Robert Perkins of Warners, is completing its version of what is expected to be the adopted program. Since many of the suggestions on terminology submitted by Abram F Myers, Allied general counsel, have been incorporated, the committee has scheduled a meeting with him in New York this week.

Maximum Concessions

The proposals will be presented to participating exhibitor organizations without further conferences with the distributors. They are expected to convene their negotiating committees and boards of directors for a final vote.

Kent expressed the belief that the present draft result of the rewriting of several previous drafts, represents the maximum concessions that the major companies are economically able to offer.

"We could not do any more and hope to stay in business," he added. "I feel that all distributors will endeavor to live up to the program. I know that 20th Century-Fox will."

Selling of 1939-'40 contracts will proceed pending adoption of a program, as the principles affecting cancellations, score charge and other points have been agreed to by the distributors. The new terms will apply retroactively to contracts made prior to adoption.

Fisherwomen

Des Moines, March 5.—Don Allen, manager of the Des Moines theatre, discovered that local women know how to fish when he installed poles, hooks and a can of worms in the lobby on the opening day of "Huckleberry Finn," and offered a guest ticket to every woman that baited a hook with a worm between noon and 3 p.m. In all, 150 woman had baited hooks and more were coming when the time was up. Not a woman missed.

20th-Fox to Make Only 2 in England

(*Continued from page* 1)

ferences. An increase of 10 or 15 per cent over the current season's figure has been discussed. Darryl F. Zanuck is planning a possible 27 or 28 for next year, the balance to be made by Sol M. Wurtzel. Of the current product, Zanuck is down for 24 and Wurtzel for 28.

Kent, Wobber and Walter J. Hutchinson, director of foreign distribution, will attend Paris and London conventions in May. Kent and Hutchinson will sail for Rio de Janeiro for a South American convention, which will signalize greater attention to be given to Latin America. A sales meeting will also be held in Trinidad. This will be Kent's first contact with the Latin American market.

"Maybe there is something in South America that we can give and get back in return," said Kent.

Movietone News forces will hold meetings in conjunction with the various conventions. Truman H Talley, head of shorts and newsreel production, will attend the European sessions.

Change 'Pacific' Date

Paramount has changed the date of the premiere of "Union Pacific" in Omaha to April 28. It previously had been set for April 21.

TheatreChanges

ROSENBLOOM TAKES ART

Art, Bronx, is now operated by the Risa Amusement Corp. (Joseph Rosenbloom).

ACME TO JACOBS

Ecma Theatre Corp. (Max Jacobs) has taken over the operation of the Acme, Brooklyn.

TAKES N. J. HOUSE

St. Cloud Amusement Corp., Frank C. Walker, president, is now operating the Liberty, Bernardsville, N. J.

BRONX REOPENS

The Bronx has been reopened by R. & N. Amusement Corp. (Philip Smith).

SMITH OPENS HOUSE

NORTH ENGLISH, Ia., March 5.—Vance Smith has opened his new Orpheum here. The theatre seats 400.

TO REMODEL IN CONN.

WINDSOR LOCKS, Conn., March 5.—Rialto here will be closed early in June for complete renovation.

EVERY NEW OPENING CROWNS IT WITH ADDED BOXOFFICE GLORY!

THE LITTLE PRINCESS

SHIRLEY TEMPLE
IN
THE LITTLE PRINCESS
in TECHNICOLOR
with
RICHARD GREENE · ANITA LOUISE
and
IAN HUNTER · CESAR ROMERO
ARTHUR TREACHER · MARY NASH
SYBIL JASON · MILES MANDER
MARCIA MAE JONES

Darryl F. Zanuck In Charge of Production
Directed by Walter Lang
Associate Producer—Gene Markey
Screen Play by Ethel Hill and Walter Ferris
Based on the novel by Frances Hodgson Burnett

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

'Pygmalion' Philadelphia $19,000 Hit

PHILADELPHIA, March 5.—"Pygmalion" topped the list with a strong $19,000 at the Boyd. The same figure was scored at the Earle by Eddy Duchin and his band on the stage and "The Great Man Votes" on the screen. This is the last stage show at the Earle, the house having gone to second run films.

Estimated takings for the week ending Feb. 23:

"Made for Each Other" (U.A.)
ALDINE—(1,300) (40c-55c-65c-75c) 7 days. Gross: $8,000. (Average, $8,160)
"Tempest" (Tri-National)
ARCADIA — (600) (25c-40c-55c) 7 days. Gross: $3,200. (Average, $2,800)
"Pygmalion" (M-G-M)
BOYD—(2,400) (40c-55c-65c) 7 days. Gross: $19,000. (Average $14,000)
"Great Man Votes" (RKO)
EARLE — (2,000) (25c-40c-55c) 6 days. Stage: Eddy Duchin and orch. Gross: $19,000. (Average, $14,000)
"Three Musketeers" (20th-Fox)
FOX — (3,000) (40c-55c-65c-75c) 7 days. Gross: $11,500. (Average, $14,000)
"Idiot's Delight" (M-G-M)
KARLTON—(1,000) (25c-40c-55c) 9 days. Gross: $5,000. (Average, 7 days, $4,000)
"Gunga Din" (RKO)
KEITH'S — (2,000) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)
"Honolulu" (M-G-M)
STANLEY—(3,700) (40c-55c-65c) 7 days. Gross: $13,000. (Average, $14,000)
"My Son Is a Criminal" (Col.)
STANTON—(1,700) (25c-40c-55c) 7 days. Gross: $3,500. (Average, $7,000)

'Idiot's Delight' at $12,800 in Spite of Kansas City Cold

KANSAS CITY, March 5.—Big money went to "Idiot's Delight," which took $12,800 at Loew's Midland with "The Strange Case of Dr. Meade." "Gunga Din" in the second week at the Orpheum took $7,900. Weather was cold, with two snow storms, hurting business.

Estimated takings for the week ending Feb. 21-23:

"Wings of the Navy" (W.B.)
NEWMAN — (1,900) (25c-40c) 7 days. $6,300. (Average, $7,000)
"Tail Spin" (20th-Fox)
ESQUIRE—(800) (25c-40c) 9 days. Gross: $3,500. (Average, 9 days, $3,600)
"Idiot's Delight" (M-G-M)
"Strange Case of Dr. Meade" (Col.)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $12,800. (Average, $11,500)
"Gunga Din" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: $7,900. (Average, $5,000)
"Newsboy's Home" (Univ.)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Aunt Jemima, etc. Gross: $6,000. (Average, $7,000)
"Tail Spin" (20th-Fox)
UPTOWN — (2,000) (25c-40c) 7 days. Gross: $3,800. (Average, 9 days, $4,800)

Erpi in Simplex Deal

International Projector Corp. has named Erpi as exclusive distributor for two models of Simplex projector, in Brazil, China, Malay States, Straits Settlements, Siam, French Indo China, Borneo, Sarawak, Netherlands East Indies, Australia and New Zealand.

Hollywood Previews

"The Flying Irishman"

(RKO)

HOLLYWOOD, March 5.—Borrowing extnesively from the March of Time technique. RKO has put the life story of Douglas Corrigan on film realistically and without ostentation. An off-screen narrator tells a good deal of the story, in somewhat the crisp manner of the March of Time narrator, and a steady-eyed camera follows Douglas Corrigan and the professional actors much as a newsreel camera covers a news incident. The effect of all this is to make the picture seem, in unusual degree, a factual biography of a plain young Irishman who succeeds in a bold adventure.

Director Leigh Jason has not attempted to make an actor out of Corrigan. The aviator speaks his lines simply for the most part, displays embarrassment in spots. The acting of importance is turned in by Paul Kelly, playing a shell-shocked flier; by Robert Armstrong, Donald MacBride and Dorothy Peterson, with J. M. Kerrigan doing a forceful bit early in the story.

The screen play by Ernest Pagano and Dalton Trumble starts with Corrigan as a boy fascinated by airplanes and takes him through years of personal sacrifice to the purchase of his own plane and the ultimate flight to Ireland. Reference is made to incidents occurring during this while, the Lindbergh hop, the Hawks and Turner dashes and the Howard Hughes circuit. In this respect, as otherwise, the production is almost documentary in manner. No romance is attempted.

Scheduled for release on St. Patrick's Day, "The Flying Irishman" is just about the picture people buying tickets to see Doug Corrigan act out his life story may be expected to expect.

Running time, 75 minutes. "G."* ROSCOE WILLIAMS

"Society Smugglers"

(Universal)

HOLLYWOOD, March 5.—Universal "Society Smugglers" is a crime melodrama involving Treasury Department operators, diamond smuggling, secret compartments in luggage, a death at sea, and fairly paced action. It comprises competent fare in its budgetary niche.

Heading the cast are Preston Foster, as the Treasury Department unit head; Irene Hervey, as his fiancee-assistant; Walter Woolf King, as the ring's leader; Fred Keating, as his sleight-of-hand aide; Regis Toomey, another "T"-man, and Frank Jenks. Supporting are Clay Clement, Frances Robinson, Raymond Parker, Milburn Stone, Doris Rankin and Harry Hayden.

Joe May directed from the screenplay by Arthur T. Horman and Earl Felton. Ken Goldsmith was associate producer.

Suspecting the heads of a luggage firm sponsoring a contest, prizes for which are trips to Europe, of being engaged in smuggling, Foster has Miss Hervey obtain a job in the office. A "T"-man is substituted for one of the contest winners, and he, after uncovering a plot to smuggle diamonds by hiding them in secret compartments, is killed aboard ship. Foster runs down the ring just as the girl is about to be killed.

Running time, 70 minutes. "G."* VANCE KING

**"G" denotes general classification.*

CEA Demands Cut In Rates from Erpi

LONDON, March 5.—Cinematograph Exhibitors Association officials have met with T. Kennedy Stevenson, president of Erpi, to discuss the C.E.A. demand for service charge reductions. The exhibitor group asked a 25 per cent cut in rates for 1939.

Present were Ken Nyman, C.E.A. president, and delegates representing the entire country. They indicated an agreement had been reached among themselves for a boycott, and broached a plan for collective purchases and replacements. Stevenson offered no attempt at immediate conciliation. It is expected that unless concessions are offered, the C.E.A. General Council probably will advise members to make contracts outside of Erpi.

'Navy Wings' With $10,000 Omaha High

OMAHA, March 5.—"Wings of the Navy" dualled with "King of the Underworld" set the pace at the Orpheum with $10,000.

"Huckleberry Finn" did well with a take of $8,000 at the Omaha, dualled with "Burn 'Em Up O'Connor."

Estimated takings for the week ending March 1-2:

"Gunga Din" (RKO)
BRANDEIS—(1,800) (25c-35c-40c) 7 days. Gross: $4,100. (Average, $4,000)
"Huckleberry Finn" (M-G-M)
"Burn 'Em Up O'Connor" (M-G-M)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $8,000. (Average, $5,500)
"Wings of the Navy" (W.B.)
"King of the Underwold" (W.B.)
ORPHEUM — (3,300) (25c-40c) 7 days. Gross: $10,000. (Average, $7,200)

'Gunga Din' $8,300 High For Seattle

SEATTLE, March 5.—"Gunga Din" and "Torchy Blane in Chinatown" took a strong $8,300 to lead here. "Jamboree" and "Pride of the Navy" plus vaudeville at the Paramount took $5,100. Rest of the grosses were weak, despite mild weather.

Estimated takings for the week ending Feb. 24:

"Jesse James" (20th-Fox)
BLUE MOUSE — (950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,400. (Average, $4,000)
"Tail Spin" (20th-Fox)
"The Next Time I Marry" (RKO)
FIFTH AVENUE—(2,500) (30c-40c-55c) 6 days. Gross: $5,600. (Average, $7,000)
"Made for Each Other" (U.A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days, 3rd week. Gross: $4,600. (Average, 5,000)
"Honolulu" (M-G-M)
"Mr. Moto's Last Warning" (20th-Fox)
MUSIC BOX—(950) (30c-40c-55c) 4 days, 2nd week. Gross: $1,800. (Average, $4,000)
"Devil's Island" (W.B.)
"Off the Record" (W.B.)
ORPHEUM — (2,450) (30c-40c) 5 days. Gross: $3,900. (Average, $6,000)
"Jamboree" (Rep.)
"Pride of the Navy" (Rep.)
PALOMAR — (1,500) (15c-25c-30c-40c) 7 days. Vaudeville. Gross: $5,100. (Average, $5,000)
"Gunga Din" (RKO)
"Torchy Blane in Chinatown" (W.B.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $8,300. (Average, $6,000)

'Huck Finn' Draws $15,000, Providence

PROVIDENCE, March 5.—"Huckleberry Finn," on a dual with "Four Girls in White" at Loew's State, grossed $15,000 to lead the town.

"The Three Musketeers" and "Inside Story" took $7,800 at the Majestic, and a stage show at the Playhouse helped "Renegade Ranger" to draw $4,100.

Estimated takings for the week ending March 1-2:

"Huckleberry Finn" (M-G-M)
"Four Girls in White" (M-G-M)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $15,000. (Average, $11,000)
"Gunga Din" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days, 3rd week. Gross: $5,500. (Average, $6,000)
"The Three Musketeers" (20th-Fox)
"Inside Story" (20th-Fox)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $7,800. (Average, $7,000)
"Persons in Hiding" (Para.)
"Boy Trouble" (Para.)
STRAND—(2,100) (25c-35c-50c) 6 days. Gross: $3,800. (Average for 7 days, $7,000)
"Pardon Our Nerve" (20th-Fox)
FAY'S — (1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $5,800. (Average, $6,500)
"Made For Each Other" (U. A.)
"Lone Wolf Spy Hunt" (Col.)
CARLTON—(1,526) (25c-35c-50c) 7 days. Extended run. Gross: $3,500. (Average, $3,500).
"Renegade Ranger" (RKO)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Stage. Gross: $4,100. (Average, $3,000)

DuPont's Expansion Brings Two Theatres

SEAFORD, DEL., March 5.—Seaford, with a population of only about 3,000 persons, will have two new theatres costing approximately $200,000. The Schine circuit and T. W. Ayres, owner of the local Palace, each plan one.

Construction by the duPont Co. of a new $8,000,000 nylon plant here, which will employ more than 1,000 persons, is believed the reason for the new theatre building.

'Princess' Is Smash in Hub With $26,500

BOSTON, March 5.—"The Little Princess," dualed with "Charlie Chan in Honolulu," at the Keith Memorial, drew a strong $26,500.

Smash was "The Beachcomber" and "Boy Trouble" with $19,000 at the Metropolitan. "Idiot's Delight" and "My Son Is a Criminal" did well in the second week, taking $28,000 at Loew's Orpheum and State, $16,000 and $12,000, respectively.

Estimated takings for the week ending March 1:

"The Little Princess" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
KEITH MEMORIAL—(2,790) (25c-35c-40c-55c) 8 days. Gross, $26,500. (Average, $14,000)
"The Beachcomber" (Para.)
"Boy Trouble" (Para.)
METROPOLITAN — (4,332) (25c-35c-40c-55c) 7 days. Gross, $19,000. (Average, $12,500)
"Idiot's Delight" (M-G-M)
"My Son is a Criminal" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $16,000. (Average, $13,000)
"Idiot's Delight" (M-G-M)
"My Son is a Criminal" (Col.)
LOEW'S STATE — (3,537) (25c-35c-40c-55c) 7 days, 2nd week. Gross, $12,000. (Average, $11,000)
"St. Louis Blues" (Para.)
"Persons in Hiding" (Para.)
PARAMOUNT — (1,790) (25c-35c-40c-55c) 7 days. Gross, $9,500. (Average, $8,500)
"St. Louis Blues" (Para.)
"Persons in Hiding" (Para.)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross, $6,500. (Average, $4,500)
"I Am a Criminal" (Mono.)
(4 days with vaude.)
"The Headleys at Home" (Imp.)
(4 days with vaude.)
"Son of Frankenstein" (Univ.) (3 days)
"His Exciting Night" (Univ.) (3 days)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross, $8,500. (Average, $9,000)
"The Cowboy and the Lady" (U.A.)
"Disbarred" (W.B.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Gross, $7,500. (Average, $5,500)

'Gunga Din' $8,000 In Oklahoma City

OKLAHOMA CITY, March 5.—"Gunga Din" was the leader here, taking $8,000 at the Midwest. The weather was very bad for grosses, with sleet, snow and cold.

"Idiot's Delight" grossed $5,000 at the Criterion, and "Tail Spin" took $1,900. "Made for Each Other" drew $3,500 in the second week at the State.

Estimated takings for the week ending Feb. 23:

"Idiot's Delight" (M-G-M)
CRITERION—(1,500) (25c-35c-40c), 7 days. Gross: $5,000. (Average, $5,200)
"Devils' Island" (W. B.)
"Comet Over Broadway" (W. B.)
LIBERTY—(1,200) (20c-25c-30c), 4 days. Gross: $1,700. (Average, $1,800)
"Pirates of the Sky" (Univ.)
"Secrets of a Nurse" (Univ.)
LIBERTY—(1,200) (20c-25c-30c), 3 days. Gross: $650. (Average, $800)
"Gunga Din" (RKO)
MIDWEST—(1,500) (25c-35c-40c), 8 days. Gross: $8,000. (Average, $4,500)
"Tail Spin" (20th-Fox)
PLAZA—(750) (25c-35c-40c), 7 days, 2nd week. Gross: $1,900. (Average. $2,300)
"Made for Each Other" (U. A.)
STATE—(1,100) (20c-25c-40c), 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Sweethearts" (M-G-M)
TOWER—(1,000) (25c-35c-40c), 3 days. Gross: $600. (Average, $2,500)
"Three Loves Has Nancy" (M-G-M)
TOWER—(1,000) (25c-35c-40c), 4 days. Gross: $800. (Average, $2,500)

New York Previews

"Blackwell's Island"

(Warners)

"Blackwell's Island," a composite of crime and prison films, is an excitingly presented story of prison conditions as they allegedly existed on New York's island penal colony some years ago, during the incarceration there of the notorious Joie Rao. Although Warners disclaim any plot relation of the film to fact, it is obvious that the studio has dipped heavily into the Rao expose to make this film.

Because crime and prison stories are a never ending cycle in Hollywood, patrons will find nothing startlingly new about the story of "Blackwell's Island," but they should like its exciting pace and the honest performances. "Blackwell's Island" is sound melodrama throughout, and as such it is certain to please.

The story concerns a protection racket mob and its leader; a newspaper reporter whose expose leads to the imprisonment of the mob; the incredible taking over of the prison by the racketeering crew, followed by the inevitable rioting of the inmates and the tacking on of a prison sentence that lands the mob leader truly behind prison bars. There is some romance, of course, but it is incidental.

John Garfield plays the crusading newspaper reporter engagingly. Rosemary Lane is the girl and Stanley Fields plays with gusto the part of the mob leader.

Running time, 70 minutes. "G."* JACK BANNER

"G" denotes general classification.

"Champs Elysees"

(Pathe Cinema-Tri National)

Sacha Guitry, using the famous Parisian Champs Elysees as a take-off point, outlines a history of France. With fine gusto, Guitry comments freely and with rare good humor on politics, philosophy, manners and whatever else strikes his footloose fancy.

As is usual in Guitry films, it is a personal vehicle. Besides writing and directing, he acts as commentator and plays four bit parts. Depending heavily as it does, upon his remarks, the film loses some of its charm unless one has a working knowledge of French. The job of titling has been done well, and genuinely catches the spirit of the comment but they are so profuse that much of the excellent character portrayals and photography are lost.

"Art Theatre" audiences should enjoy it. Patrons at the Little Carnegie in New York applauded heartily and left the house still chuckling. The history starts before the Revolution, when Champs Elysees was a path cut through the forest, and continues to the present day. Superimposed is a story of royal loves ending with the last generation, which has the blood of Louis XV, Marat, the revolutionary leader, and Napoleon. Guitry plays a schoolmaster, Louis XV, the latter's son and grandson, and Napoleon III. Lucien Baroux, as the Marquis de Chauville, gives an amusing performance.

Running time, 89 minutes. "A"* ED GREIF

"A" denotes adult classification.

'Delight' $11,000 Best in Montreal

MONTREAL, March 5.—"Idiot's Delight" at the Palace rated high with $11,000. "The Great Man Votes" and "Next Time I Marry" accounted for $7,000 at the Princess.

Estimated takings for the week ending Feb. 25:

"Tail Spin" (20th-Fox)
"Up the River" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,000. (Average, $9,500)
"Secrets of An Actress" (W.B.)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Stage: Ann Sothern, Roger Pryor and vaudeville. Gross: $7,500. (Average, $8,000)
"Made for Each Other" (U.A.)
ORPHEUM — (919) (25c-35c-50c) 7 days. 2nd week. Gross: $3,000. (Average, $5,000)
"Idiot's Delight" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $11,000. (Average, $11,000)
"The Great Man Votes" (RKO)
"Next Time I Marry" (RKO)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $7,000. (Average, $7,000)

Warner Previewing New Features Here

Warners are planning advance previews of new films in the New York area while Jack L. Warner, vice-president in charge of production, is here on new season plans and to attend the sales convention on March 13 and 14.

The first such preview was of "Dark Victory" at RKO Proctor's in New Rochelle Wednesday night. Warner, S. Charles Einfeld and others from the home office were present, and Warner commented that audience reaction was favorable. A similar preview is planned for "Confessions of a Nazi Spy" in about three weeks.

Mexican Staffs Get Raise

MEXICO CITY, March 5.—Exhibitors of Durango City have granted their employes a wage increase of 50 percent.

'Topper' Runs Big in Frisco With $11,500

SAN FRANCISCO, March 5.—"Topper Takes a Trip" drew an excellent $11,500 at the United Artists, running counter to a general box-office recession due to the exposition's opening.

Also strong was "Pygmalion" at $9,800 in the opening week at St. Francis. "Gunga Din" ended three weeks at the Golden Gate with a creditable $13,500.

Estimated takings for the week ending Feb. 21-24:

"Gunga Din" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 3rd week. Stage: vaudeville. Gross: $13,000. (Average, $16,000)

"Topper Takes a Trip" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days. Gross: $11,500. (Average, $7,000)

"Let Us Live" (Col.)
"Strange Case of Dr. Meade" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $7,200. (Average, $8,500)

"Huckleberry Finn" (M-G-M)
"Ride a Crooked Mile" (Para.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $16,800. (Average, $17,000)

"Honolulu" (M-G-M)
"Mr. Moto's Last Warning" (20th-Fox)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $9,500. (Average, $13,000)

"Pygmalion" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days. Gross: $9,800. (Average, $7,000)

"They Made Me a Criminal" (W.B.)
"Burn 'Em Up O'Connor" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $11,000. (Average, $13,000)

"With a Smile" (Pathe Cinema)
CLAY — (400) (15c-35c-40c) 5 days, 3rd week. Gross: $400. (Average, $1,300)

"If War Comes Tomorrow" (Amkino)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $900. (Average, $1,300)

'Beachcomber' Hits $14,000 in Detroit To Lead the Field

DETROIT, March 5.—Holdovers cut down the take here this week with the Fox keeping "Gunga Din" and taking $19,000 plus a stage show and the United Artists taking $9,000 on "Honolulu" in its second week.

"The Beachcomber" and "The Duke of West Point" at the Michigan did nicely with $14,000.

Estimated takings for the week ending Feb. 24:

"Little Tough Guys" (Univ.)
"Youth Takes a Fling" (20th-Fox)
ADAMS—(1,700) (15c-40c) 7 days. Gross: $4,000. (Average, $5,000)

"Gunga Din" (RKO)
FOX—(5,000) (20c-65c) 7 days, 2nd week. Stage: Lamberti, Trixe, Motter and Davis, 16 Dansonettes. Gross: $19,000. (Average, $20,000)

"The Beachcomber" (U.A.)
"The Duke of West Point" (U.A.)
MICHIGAN — (4,000) (20c-65c) 7 days. Gross: $14,000. (Average, $10,000)

"Persons in Hiding" (Para.)
"Pride of the Navy" (Rep.)
"Lone Ranger" (serial) (Rep.)
PALMS-STATE—(3,000) (20c-50c) 7 days. Gross: $5,500. (Average, $5,000)

"Honolulu" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days, 2nd week. Gross: $9,000. (Average, $10,000)

Divorcement Law Due to Pass Senate In Kansas This Week

KANSAS CITY, March 5.—Passage of the Kansas affiliated theatre divorcement law appears to be a certainty when the measure comes before the Senate early this week for a vote.

The bill, which was introduced by Representative Williamson of this city, was reported out by the Senate Judiciary Committee late last week with a recommendation that it be passed. The measure was passed by the House a week earlier.

If enacted as expected, the law would become effective next Jan. 1. It would apply only to Fox Midwest, the only affiliated circuit operating in the state.

With the repeal of the North Dakota affiliated theatre divorcement law and the failure of the Nebraska legislature to act on a proposed measure, the only other divorcement laws pending at this time are in Washington and Missouri.

Imperadio Backing Entirely American

LONDON, March 5.—Phil Reisman, foreign chief of RKO; Herbert Wilcox, British producer, and Ralph Hanbury, head of RKO in England, outlined at a press luncheon plans for RKO British production.

Wilcox stated the financing for his new company with RKO, Imperadio, is coming exclusively from America, with the Bank of America involved in the financing. He said there will be an exchange of personnel and publicists with Hollywood. Anna Neagle probably will make a film with Cary Grant, he said.

Reisman declared RKO will distribute Howard Futter productions. RKO will produce here "The Saint in London," one of a series, for which William Sistrom is here from the coast making arrangements, and for which George Sanders is expected shortly to play the starring role.

CEA Report Scores Circuit Domination

LONDON, March 5.—Cinematograph Exhibitors' Association, in its annual report, notes the difficult problems arising from the "parasitic" development of the predominant circuits and the shortage of product.

The report declares that the Films Act is workable and satisfactory, and attributes the decline in British production to the independent producers. The organization reports a surplus for the year, and discusses television, overbuilding and the dual problem among small exhibitors.

Signs for RCA Service

Prudential circuit, operators of 25 houses in Brooklyn and Long Island, has renewed service contracts with RCA Photophone, Morris Seider, Prudential executive, and W. W. Jones, RCA's New York service executive, negotiated the contracts with Edward C. Cahill, RCA service manager.

Hollywood Preview

"Never Say Die"

(*Paramount*)

HOLLYWOOD, March 5.—Wrapping a multiplicity of potently humorous situations around an innately funny story idea, and trimming the whole with sparkling dialogue, Producer Paul Jones has turned out a fast, flippant film that is sure fire for laughs. It had a preview audience at the downtown Paramount holding its sides for practically the entire running time.

Bob Hope is a millionaire hypochondriac in the screenplay by Don Hartman, Frank Butler and Preston Sturges from William H. Post's play, and Martha Raye is a Texas lass betrothed to Alan Mowbray, bankrupt nobleman, who marries Hope to protect him from the matrimonial designs of Gale Sondergaard, champion pistol shot, in the belief that he has only a month to live. Promising to provide financial satisfaction for all dissatisfied parties, in his will, Hope and bride go on a mock honeymoon in the mountains with Andy Devine, Miss Ray's true love from Texas, going along to keep an eye on the bride-in-name-only and await Hope's demise. When it turns out that Hope is not going to die, copious confusion ensues, including a pistol duel between Hope and Mowbray that is as funny as any equivalent length of footage—and it's quite a length—ever filmed.

Elliott Nugent's direction is distinguished, bringing back to the screen that has lacked it too long his superb comedy touch. Miss Raye has one song number, by Ralph Rainger and Leo Robin, and there are no other departures from straight comedy.

Running time, 80 minutes. "G." ROSCOE WILLIAMS

**"G" denotes general classification.*

15 Contracts Signed In 5 Coast Studios

HOLLYWOOD, March 5.—Fifteen new contracts or extensions were given this week by five studios, Warners and Paramount each signing five pacts with talent.

Paramount signed Edward H. Griffith, director, to a straight two-year term; Ellen Drew, actress, and Marian Spitzer, writer. Charles R. Rogers, producing for Paramount release, signed Fay Bainter and 13-year-old Linda Ware.

Warners signed to new pacts, or extended old ones: Julie Stevens, 20-year-old Little Theatre actress; Marie Wrixon, actress; Wolfgang Reinhardt, assistant to Henry Blanke; Max Steiner, composer, and Frankie Thomas, actor.

M-G-M has hired two writers, Harry Ruskin and Robert Thoeren.

RKO extended the contract of Garson Kanin, director.

Martin Spellman, 12-year-old player, has been given a five-year contract calling for four pictures a year by Monogram.

Milwaukee Houses to Seek Singles Return

MILWAUKEE, March 5.—At a meeting attended by representatives of 63 of Milwaukee county's 76 theatres a majority of those present voted for the elimination of early bird admissions and return to a single feature policy. A majority also voted for one straight admission price on Sunday. E. F. Maertz was named chairman and Ray A. Tesch of the Independent Theatres Protective Association secretary for further meetings.

Plaza Theatre Sold

Margaret L. Browning has bought the Plaza Theatre at 42-44 East 58th Street. The price was $300,000.

Dismissal Is Upheld In Para.-Publix Suit

Dismissal by N. Y. Supreme Court Justice Salvatore A. Cotillo of a complaint of Robert S. Levy, as bondholder of Paramount-Publix Corp., which had attacked transactions of officers of Paramount, Columbia Broadcasting System, Inc. and certain banks, was unanimously affirmed on Friday by the Appellate Division of the Supreme Court without opinion.

Paramount-Publix Corp., Chase National Bank of the City of New York, as trustee of 5½ per cent sinking fund gold bonds of Paramount, eight other banks and 23 officers and individuals had been named defendants in the suit, which sought to remove the Chase Bank as trustee, and charged misconduct between Paramount-Publix officers and the bank. In addition, the complaint asserted that Columbia Broadcasting System had illegally acquired from Paramount the 50 percent stock interest which Paramount had in Columbia Broadcasting System, and had demanded return of the stock.

M-G-M to Ask Dismissal

Application by M-G-M Pictures Corp. and M-G-M Distributing Corp. will be heard in the N. Y. Supreme Court today to dismiss a suit for failure to prosecute brought by Robert Brister and Harry T. Bliven, for an injunction and accounting against M-G-M. Suit charged plagiarism of the title of the plaintiff's play, "Penthouse," in the motion picture of the same name.

Wrestler Sues Universal

Complaining of an infected neck caused in a hanging scene staged by Universal Pictures Co., Inc., Boris Demitroff, a wrestler, has filed suit for $25,000 in the N. Y. Supreme Court, naming Universal as defendant.

Page Bob Weitman!

In the Hunting Room of the Astor Hotel the other day, a lad, pointing to Lou Brandt, said:

"So, you're the fellow who played three films on a single afternoon at your theatre."

"That's nothing," shot back Brandt. "I'm going to double feature stage bands, soon."

So. Africa Building Boomed by 20th-Fox

Some 20 theatres are under construction in South Africa, as a result of 15-year franchises offered by 20th Century-Fox.

The houses are being built by local capital, with the exception of a 2,200-seat theatre in Johannesburg in which 20th Century-Fox will have a $200,000 investment. This will be the circuit's flagship and cost more than $1,000,000.

South African Consolidated Theatres, from which 20th Century-Fox withdrew its product about a year ago, are building and modernizing several theatres. Consolidated Theatres are the dominant interests in South Africa, owned and controlled by I. W. and M. A. Schelsinger.

Wisconsin Bill Asks Theatre Prizes Ban

MADISON, WIS., March 5.—The Paulson bill to outlaw the offering of prizes to induce people to attend theatres, taverns or halls, has been introduced in the senate here.

The bill fixes a minimum penalty of six months in jail or a $500 fine or both. The attorney general's office recently ruled that the state lottery law is confusing as to its effect on Bank Night and pointed out that juries in several cases have refused to convict defendants prosecuted under the lottery law.

Authorities Seeking Montana Games Ban

MISSOULA, MONT., March 5.—The first attempt to stop games in Montana was made when Prosecuting Attorney Edward Dussault filed a complaint in Federal Court here asking that the Fox-Missoula Theatre Corp. be restrained from conducting Bank Night or any other alleged lotteries.

A hearing will be held for the defendants to show cause why the restraining order should not be granted.

Players See "Mikado"

Members of the D'Oyly Carte Gilbert and Sullivan troupe yesterday saw Universal's color film of "The Mikado" at the Chanin Auditorium, prior to the departure of the players on their return to England.

Chicago Gets 'Daughter'

CHICAGO, March 5. — Censors granted a general permit to "Yes, My Darling Daughter" Friday. The film was revised in the same manner as in New York. The previous version had been licensed for adults only.

Air Ban on Beer Ads In Quebec Set for March 31 by CBC

OTTAWA, March 5.—Beer advertising will be banned on the air in Quebec after March 31.

This action, predicted last December, became official when L. W. Brockington, chairman of the board of governors of the Canadian Broadcasting Corp., set the date in a statement before the radio committee of the House of Commons.

The move takes beer and liquor ads from the air entirely. Hard liquor ads had been banned previously throughout the Dominion and the provinces have dropped beer programs one by one. About six air shows will be affected in Quebec.

The corporation's action is attributed to pressure by the Quebec Temperance Union and the Catholic Church.

Television Training Takes Spot on WHN

Television Training Corp. has entered into a 13-week contract with WHN for a weekly five-minute spot, with Huber Hoge & Sons handling the account.

Christian Radio Home Association has contracted for 52 weeks with WHN for broadcasting of a daily 15-minute program known as the "Christian Radio Home Hour," a half-hour program on Sundays known as the "Bible School of the Air" and a one-hour Sunday program known as the "Back Home Hour." The account was placed direct.

New CBC High Power Plant to Open April 8

OTTAWA, March 5.—Canadian Broadcasting Corp. expects to open its new high power station at Sackville, N. B., April 8. CBK, another CBC unit at Watrous, Sask., will be ready June 1, it is reported. The two new stations will raise the population coverage to 85 per cent from a figure of 60 in 1936. CBC also has asked Government aid in building a 1,000-watt station at Windsor, Ont.

Quiz Series on NBC

Mars, Inc. will sponsor a new quiz series titled "Dr. I. Q." over a split NBC network, beginning April 10. Contract is for 13 weeks, through the Grant advertising agency. Stations which will carry the program are: WOWO, WENR, WLS, KWB, WTCN, WREN, WOW, WEBC, KANS and the midsouth, northeast and Red mountain districts.

CBS Will Air Life Of Marie Dressler

Life of Marie Dressler, motion picture comedienne who died in 1934, will be dramatized on the "Cavalcade of America" broadcast next Monday, March 13, over CBS, from 8 to 8:30 P. M. Agnes Moorehead will impersonate the famous actress.

FCC Calendar

WASHINGTON, March 5.—Federal Communications Commission has set a lengthy series of hearings on broadcasting applications, as follows:

March 6: Applications of Martinsville Broadcasting Co., for a 1,420-kilocycle station at Martinsville, Va., with 100 watts power night, 250 watts day: and Niagara Falls Gazette Publishing Co., for a 1,260-kilocycle, 1,000-watt day station at Niagara Falls, N. Y.

March 7: Applications of Panama City Broadcasting Co., for a 1,200-kilocycle station at Panama City, Fla., with 100 watts night, 250 watts day; and KRSC, Seattle, for increase of power from 250 to 1,000 watts.

March 16: Application of Colonial Broadcasting Corp., for a 1,370-kilocycle station at Norfolk, Va., with 100 watts night, 250 watts day.

March 22: Applications of Copper Country Broadcasting Co., for a 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day; and WHFD, Calumet, Mich., for extension of time from specified hours to unlimited.

April 3: Applications of KGNO, Dodge City, Kan., for increase of power from 250 to 500 watts, and KOVC, Valley City, N. D., for change of frequency from 1,500 to 1,340 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day.

April 10: Applications of M. C. Reese for a 1,200-kilocycle station at Phoenix, Ariz., with 100 watts night, 250 watts day, and KRBA, Lufkin, Tex., for increase of power from 100 to 250 watts.

April 11: Applications of W. B. Greenwald for a 1,370-kilocycle station at Topeka, Kan., with 100 watts night, 250 watts day, and KTSW, Emporia, Kan., for extension of time from day to unlimited.

April 24: Application of WQDM, St. Albans, Vt., for extension of time from day to sunset at Cleveland.

April 26: Applications of C. T. Sherer Co., Inc., for a 1,200-kilocycle station at Worcester, Mass., with 100 watts night, 250 watts day, and KSAM, Huntsville, Tex., for increase of power from 100 to 250 watts.

April 28: Applications of Coastal Broadcasting Co., for a 1,500-kilocycle station at Brunswick, Ga., with 100 watts night, 250 watts day, and WOC, Davenport, Ia., for change of frequency from 1,370 to 1,390 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts.

May 1: Application of WHA, Madison, Wis., for change of frequency from 950 to 670 kilocycles, extension of time from day to unlimited and increase of power from 5,000 to 50,000 watts, requesting the facilities of WMAQ, Chicago.

May 2: Application of WCOU, Lewiston, Me., for increase of day power from 100 to 250 watts.

Renew 'People's Rally'

"People's Rally," quiz series, has been renewed for another four weeks on Mutual, effective April 2. The show thereafter will be off the air for the summer months, but contracts already have been signed for its return to Mutual in the fall. Mennen & Co. sponsors the series, through the Keisewetter agency. Network embraces 11 stations.

Radio Personals

FRED WEBER, Mutual general manager, to Chicago on network business for one week . . . Ronnie Ames back to his agency and publicity office on Saturday after a week in Miami. . . . Hal Oxley, manager of Jimmie Lunceford, returns tomorrow from Memphis. . . . Charles Parker replacing Morris White in the Duke Ellington band. . . . Eugene Katz of the Katz agency back in town after several weeks away on business.

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Theda Bara, "vamp" of the silent film days, will make a guest appearance on the "For Men Only" show tomorrow over NBC. . . .Lud Gluskin has won an option renewal as band leader on the Dick Powell show. . . . Tom Howard played host at a birthday party Saturday for his air partner, George Shelton.

CBC Warns Stations Against Profiteering

OTTAWA, March 5.—Warning that legislation would be proposed to halt alleged profiteering by private radio stations was given by Leonard Brockington, chairman of the board of governors of the Canadian Broadcasting Corp. before a special House of Commons committee.

Brockington told the committee he had reason to believe there were men coming before it who were making tremendous profits on radio and that they were planning to make new demands and launch attacks on C.B.C. in an effort to increase their profits.

Denying that the board ever had been swayed by political consideration, Brockington said that he was not aware of any political pressure at any time and if there was any it would be resisted.

Network for Warner Program Faces Delay

Warners' program, "Let's Go Hollywood," scheduled to start coast-to-coast on Mutual on March 10, may not be heard over the network on that date, due to an inability to obtain sponsors for the program.

"Let's Go Hollywood" currently is being broadcast over Warners' own station, KFWK, Hollywood, and the California Don Lee network, where it is sponsored by the Ford dealers of that state. It was planned to extend the programs coast-to-coast over Mutual on a participation basis, and accordingly the Redfield-Johnstone agency has been contacting clients in cities where Mutual stations are located. To date, however, only a handful of clients have been obtained. There is a remote possibility that the show will go network on schedule, but in the event that more clients are not lined up the inaugural date will be deferred, or the plan altogether abandoned.

Ruppert Show Off Soon

"Relaxation Time," series sponsored by the Ruppert Brewing Co. on NBC, fades from the air with the broadcast of March 21.

Reorganizing Of FCC Seen Off for Year

WASHINGTON, March 5.—Delay in reorganization of the Federal Communications Commission until next year is seen here as a possibility as several factors combined to make Congressional action this session doubtful.

Approval of the Administration bill introduced by Senator Burton K. Wheeler of Montana, providing for a three-man board, is seen as virtually impossible in the face of charges that it was drafted by Chairman McNinch with a view to securing full control of radio and the implications of such control in the 1940 elections.

Even more important, however, is the practical certainty that if the bill is taken up, it will be made the vehicle for a thorough investigation of the F.C.C. with possibilities that it may develop the first major scandal of the New Deal. Disclosures of a sensational nature, such as have been promised by members of Congress pressing for a probe, would be highly unpalatable to the Administration at a time when it was marshaling all its forces for a Presidential campaign.

Such support as Chairman McNinch has had is rapidly being dissipated by his constant quarrels with his fellow members on the commission, the latest of which occurred last week when he attacked Commissioner T. A. M. Craven for warning the commission against censorship.

Meanwhile, the commission is confining itself to routine activities, unable to reach a clean-cut agreement on any of the major problems with which it is involved. The tempo of the radio monopoly probe has slowed down, and while more than 500 exhibits and thousands of pages of testimony have been collected, investigation of network operations has not yet been completed, with little chance that complainants against conditions in broadcasting will be reached for some weeks and no chance whatever of a report being made to Congress this session.

Air Salute to WIRE

Salute to WIRE, NBC station in Indianapolis, will be broadcast by the network on Wednesday on the installation of a new plant and transmitter. Built by RCA, the new plant includes laboratories for television and facsimile experiments. Show will be aired at 11:30 P. M.

Mistaken Identity

Mutual accidentally got a free coast-to-coast plug for its network over NBC at 12:30 A. M. Saturday. At that hour NBC switched for a pickup from WLW, the Crosley station, which is a member of both NBC and Mutual. Through a mistake in monitoring, WLW thought it still was on Mutual, and the announcer came through with the Mutual identification on the NBC line.

Strike Up the Band!

—Here Comes Your Baby



Full of zip...pep...dash and doing!...the National Screen Trailer running in advance of your show!

Seen...heard...entertaining...carrying conviction to seat buyers while they're in the mood. The only advertising combining sight...sound...voice and the printed word! Action on your screen. Samples of what the picture is about.

And how low in cost! How complete in coverage! How unique in appeal! How real a ticket-seller!

Big merchants...national advertisers would grab your screen in a minute. You've got it! Use it to the best advantage with National Screen Trailers by

NATIONAL Screen SERVICE

...Prize Baby of the Industry!

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 44 NEW YORK, TUESDAY, MARCH 7, 1939 TEN CENTS

I. C. C. Probe Of U.S. Radio Policy Sought

White Seeks Inquiry of Influence on FCC

WASHINGTON, March 6.—An investigation by the Interstate Commerce Commission to ascertain whether censorship has been practised by the Administration in its dealings with the Federal Communications Commission has been asked by Senator Wallace White, of Maine.

In a resolution introduced in the Senate, White, chief critic of the Wheeler bill for reorganization of the F. C. C., seeks a probe to determine if the Administration has influenced broadcasting and activities of the radio commission. In addition he asks a "thorough and complete" inquiry into the F. C. C.

Other Points Stressed

Other points stressed in the resolution were whether other government departments have influenced the policy of the F. C. C. and whether the commission or any other government agency has influenced stations.

Concentration of station ownership also is made the target of the Maine senator and he asks that the investigation go into the extent also of the ownership or affiliation of newspapers with stations.

Finally the resolution seeks information on the desirable length of the term of broadcasting licenses.

Hammons, Creditors Meet

HOLLYWOOD, March 6.—E. W. Hammons, Grand National President, said tonight following a meeting with creditors and Loyd Wright, trustee for the company, that G. N. was proceeding along orderly lines and that creditors were cooperating for the best interests of the concern. Hammons expects to leave Friday for New York.

IATSE Fights Suit

HOLLYWOOD, March 6.—I.A.T.S.E. International intervened today in a suit brought by James E. Shaw to restrain alleged illegal disbursement of organization money, contending Shaw should not have sought court relief without first utilizing machinery of the I.A.T.S.E. constitution. Judge Wilson put over until tomorrow arguments on Shaw's application for a receivership.

Fred Allen Refuses Two Picture Offers

Fred Allen, one of the most popular personalities on the radio, has turned down two offers to make a picture this summer. The offers were by RKO and Paramount. Last summer Allen made a film for 20th Century Fox.

Cole Urges Abolition of All Clearance

By AL FINESTONE

Col. H. A. Cole, president of Allied States, yesterday urged the abolition of all clearance between prior and subsequent runs. His view is that the Supreme Court decision in the Dallas anti-trust case affects clearance.

"Judge Roberts, in his dissenting opinion, put the finger on the situation," he added.

Allied is now "indifferent" to a trade practice program, Col. Cole said, but if the distributors submit proposals to exhibitors, the Allied Board may consider them. Col. Cole declared that since the repeal of the North Dakota theatre divorcement statute, Allied has decided that further negotiations on a trade practice program are "neither desirable nor necessary."

Col. Cole said that Abram F. Myers, Allied general counsel, has no plans to come to New York for a conference with the distributors' trade practice drafting committee.

Regarding clearance, Col. Cole

(Continued on page 3)

Alger Sought for RKO Board Place; '38 Net $173,578

George W. Alger, well known New York attorney who served for two and one-half years as special master in the RKO reorganization, is being sought by reorganization groups for the board of directors of the new RKO company.

If the nomination of Alger is approved by the Federal court, which it must be before it is final, he would replace Ferdinand Eberstadt, whose name was withdrawn last week when it met with objections from a group of independent RKO stockholders. Alger, who is, of course, thoroughly conversant with RKO and its reorganization affairs as a result of his association with it, would go on the board as a neutral representative.

If Federal Judge William Bondy approves the nomination it will complete the RKO board of directors, as he previously indicated his approval of the other 12 proposed directors.

RKO's net profit for 1938 is estimated at $173,578 by Irving Trust Co., RKO trustee, Judge Bondy was advised yesterday by O. C. Doering, Jr., of counsel to the trustee. The figure, as yet unaudited, compares with a net of $1,821,165 for 1937, but was recorded in the face of a loss of approximately $480,176 for the first half of 1938.

The disclosure of earnings was made in connection with the application of Irving Trust for interim allowances of $85,000 for reorganization services and of Donovan, Leisure, Newton & Lumbard, trustee's counsel, for $95,000 for services. Judge Bondy reserved decision on both applications.

Warners Get $6,000,000 For Refunding

To Complete Payment on 6% Debentures

Warners have arranged for a secured loan from three banks for a maximum of $6,000,000 in order to complete its debenture refunding. Of $29,400,000 six per cent debentures due on Sept. 1, 1939, only $7,032,000 has not been deposited for exchange.

The company anticipates that additional debentures to be deposited, plus earnings and the bank loan, will be sufficient to cover the amount outstanding. Undeposited debentures will be paid off in cash on maturity. The new bonds will mature in 1948 and will bear the same rate of interest.

The bank credit agreement is with the New York Trust Co., Guaranty Trust Co. of New York and the Continental Illinois National Bank & Trust Co. of Chicago. That such an arrangement would be made for the amount of $6,000,000 was reported in MOTION PICTURE DAILY on Jan. 18.

Agreement Filed With SEC

The loan matures in varying amounts each six months beginning April 1, 1940, and ending April 1, 1944, if the maximum amount is borrowed. Proceeds will be used only for the purchase of retirement of debentures. "Therefore," the company states, "the greater the number of debentures deposited the less necessity there will be for the company to avail

(Continued on page 3)

Goldwyn Discards Plans for Air Film

HOLLYWOOD, March 6.—Samuel Goldwyn has scrapped plans to film "Thirteen Go Flying" after informal objections were received from Assistant Secretary of State George S. Nessersmith. The story dealt with a plane disaster at sea and was said to have evoked protests from aviation companies.

20th-Fox Convention Moved Up to March 31

National sales convention of 20th Century-Fox has been advanced to March 30 and 31 and April 1, due to a conflict with the Jewish holidays. Passover starts April 3, when the three-day convention previously was scheduled to begin. The conclave will be held at the Congress Hotel, Chicago.

Courtland Smith to Study Television for M.P.P.D.A.

Courtland Smith has been retained by Will H. Hays and J. Robert Rubin to make a study for the industry on the current status of television and its relation to production and exhibition. Smith will serve as chairman of the M.P.P.D.A.'s television committee.

He will serve as consultant and liaison for the industry in television matters. His survey of television and its relation to the industry was begun last week. While no deadline for its completion has been set it is likely that at least a preliminary report will be prepared for the annual meeting of the M.P.P.D.A. on March 27. Results of the study will, of course, be available to all member companies.

Smith's appointment is indicative of the industry's determination to acquaint itself fully with television's potentialities, as was urged by MOTION PICTURE DAILY on Nov. 9.

Smith was the first secretary of M.P.P.D.A. Later he became an assistant to William Fox, where he assisted in the development of sound-on-film. He started the first talking newsreel in the U. S., and also opened the first newsreel theatre in this country. About 18 months ago he resigned as president of Pathe News.

Purely Personal

JOSEPH MOSKOWITZ, MAURICE BERGMAN, HARRY GOETZ, MARCUS HEIMAN, CHARLES ALICOATE, A. P. WAXMAN, HAL HORNE, WILLIAM FITELSON, LOUIS WEINBERG, CHARLES PAINE, JACK GOETZ, J. J. MILSTEIN, LOU BRECHER and ARTHUR GOTTLIEB, at BOB GOLDSTEIN'S Tavern for lunch yesterday.

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JACK CHERTOK, head of M-G-M shorts production, leaves today with MRS. CHERTOK for a visit with relatives in Atlanta. They arrived from the coast over the weekend.

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DAN CARROLL, Australian exhibitor, is due in Los Angeles March 20 from Sydney and will come to New York to confer with officials of Paramount, whose product he plays.

•

OSCAR SHANKEN, assistant at the Dixwell Playhouse, is the father of a girl, born to MRS. SHANKEN, daughter of SELIG FISHMAN of Fishman Theatres.

•

ALBERT LEWIN, producer for Paramount, has returned after a two-month vacation abroad, and will remain in New York until the end of the month.

•

LLOYD LIND, assistant to GEORGE W. WEEKS, general sales manager for Monogram, is on a tour of Midwestern offices. He will be gone 10 days.

•

ARTHUR M. LOEW, vice-president of Loew's; LAUDY LAWRENCE, European manager, and SAM ECKMAN, British head, have returned from the coast.

•

TEX RITTER, Monogram western star, returned to Hollywood over the weekend after a personal appearance tour of the southwest.

•

E. J. CHEATHAM of Kansas City has gone into partnership with JAMES FOLAND in operating the Independent Supply Co. there.

•

HAROLD WINTER has been named district manager in Kansas City of RCA Manufacturing Co., succeeding DALE NEISWANDER.

•

HASKELL MASTER'S mother died last week, in Florida, from injuries received in an automobile accident.

•

MR. and MRS. HOWARD DIETZ are among patrons sponsoring a movement to popularize the ballet.

•

MR. and MRS. JULES E. BRULATOUR have sailed for a short cruise.

MITCHELL MAY, Jr. CO., INC.

•

INSURANCE

Specializing

in requirements of the

Motion Picture Industry

75 Maiden Lane, New York
510 W. 6th St. Los Angeles

Insiders' Outlook

By SAM SHAIN

THE responsibility of being an important and glamorous personality weighs heavily upon the shoulders of the extremely youthful Mickey Rooney. We were fellow passengers aboard a train en route to Miami. He impresses us as being an extremely smart young man. That night, visiting with us, he asked:

"Why do columnists write such untruths?"

He was disturbed about some of the things that had been printed about him during his New York visit.

Mickey is only 18. Perhaps as he grows older and his work takes him to greater fame, he will have learned about newspapers and newspaper men.

▼ ▼

You can traverse the Roaring Forties in Times Square every day for years and not see all that is there. How many, do you think, among the old-timers, or even those who are new to the Main Stem, ever take notice of the dwelling adjoining the Astor Hotel at 44th Street, or know who lives there, if anybody? It has stood there for years.

▼ ▼

Nightly rushing across the crosstown streets you might see between the hours of 9 and 11 a distinctively dressed, gray-haired gentleman in black and of medium-height, rushing in and out of the legit theatres. He has been doing this for years. He is the program man who clocks every show in order to check the number of programs to be printed for the following day.

▼

Ben Washer thinks that legit actors are a more vital kind than those who are in films. Marjorie Ford takes this view also. They point out this essential difference between the two—the legit actor has to do so much himself, whereas the film actor has much of his work prepared for him by others.

▼

And speaking about the legitimate stage—may we tell you that we have discovered a pretty good barometer on how to tell whether the plays are doing well or not—by watching the business done at Sardi's restaurant. The night time trade at this spot tells all.

▼

Does it seem strange to you that what may be only a fair single day's gross at one of the Broadway film houses, might be a profitable weekly figure for certain plays? Some shows may require only $6,000 on the week, and yet $10,000 is considered only a fair single day's gross at the Radio City Music Hall.

▼ ▼

Let us get off the legitimate track now.

Elsewhere in this issue, Col. A. H. Cole urges the abolition of all clearance, basing his views on the recent U. S. Supreme Court ruling in the Dallas case. However, among company lawyers there seems to be a prevailing opinion that the recent U. S. Supreme Court decision in the Interstate Circuit case of Dallas cannot be construed as invalidating clearance schedules, as such.

▼

Undoubtedly there was a time when the distributor-defendants were not certain as to the exact effect the high court's ruling might have on clearance schedules. There was some apprehension that the ruling might serve to invalidate such schedules. If that were so it would upset the basic price structure of the industry. Apparently this apprehension stemmed from the dissenting opinion which was expressed by Justice Roberts. In his opinion it was asserted that if the ruling were carried to its logical conclusion, the Supreme Court decision invalidating contracts which affect the playing terms of a subsequent run, would also invalidate clearance schedules.

▼

Attorneys seem to believe that Justice Roberts' interpretation is an extreme view, which brings about a result not intended by the court. It is felt that if the court's decision has an effect on clearance, whatever that effect may be will be determined by specific actions brought subsequently, and in which the Dallas decision might be cited as a precedent.

Johnston in Hollywood

HOLLYWOOD, March 6.—W. Ray Johnston, president of Monogram, and Scott R. Dunlap, vice-president in charge of production, returned to the studios today to complete 1939-40 product plans after attending company meetings in New York.

Weisman Preparing Censor Repeal Bill

Bill to repeal the New York state censor law is being drafted by Milton C. Weisman, counsel for the I.T.O.A. The organization last week started to bring about repeal of the statute.

Skirball Here After Stopover in Chicago

Jack L. Skirball, Grand National production head, arrived yesterday from the coast after a stopover in Chicago for a meeting of company executives.

E. W. Hammons, president, delayed his departure from the coast, where he has been lining up production, but is expected this week.

Sol Edwards, eastern sales manager, who attended the Chicago meeting, is making a swing of exchanges. Skirball expects to return to the coast in about 10 days. Very little of a definite nature on the company's future plans will be known until Hammons completes current production and financing negotiations on the coast.

Funeral Services for Alfred S. Krellberg

Funeral services for Alfred S. Krellberg, well known film and theatrical attorney, will be held at the Riverside Memorial Chapel, 76th St. and Amsterdam Ave., at 10 A.M. today. Krellberg died Sunday in the Mt. Sinai Hospital after an illness of several months. He was a member of the firm of Krellberg & Fitzsimmons and specialized in film and tax law. He was 36, and is survived by his parents, Mr. and Mrs. Louis Krellberg; a brother, Sherman; and two sisters, Mary and Florence.

Innes' Mother Dies

Mrs. Eleanor A. Shoup, mother of Hiller Innes, assistant manager of Paramount's New York production department, died yesterday. Funeral services will be held today at Campbell's Funeral Parlors, and burial will be at Arlington National Cemetery tomorrow.

Pathe Split March 29

One share of Pathe Laboratories will be distributed for each 100 shares of Pathe Film stock on March 29. The directors may distribute another share for each 100 within the next two years as provided in the plan.

'Feathers' on March 20

Alexander Korda's film, "Four Feathers" will be previewed in London on March 20. It will be distributed by United Artists.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor; *Chicago:* 624 S. Michigan Ave., C. B O'Neill, manager. *London:* 4 Golden Square, W. 1; cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Seeks Dismissal of Dakota Divorce Plea

WASHINGTON, March 6.—Dismissal of the North Dakota affiliated theatre divorcement appeal was asked of the U. S. Supreme Court today by Thomas D. Thacher, counsel for Paramount and other defendants in the

Thacher explained that with repeal of the state divorcement law by North Dakota the case became moot. The Supreme Court ordered a 10-day stay in the action to give the state an opportunity to reply if it desired to do so. Except for the repeal the case would have come before the court on appeal by Paramount late this month.

The Supreme Court again yesterday failed to hand down its decisions in the Washington and Florida anti-Ascap legislation cases. The rulings, considered past due, are expected to decide the constitutionality of state anti-Ascap laws.

W. E. Counters CEA Service Slash Fight

LONDON, March 6.—Western Electric has written to the Cinematograph Exhibitors' Association following the recent discussion on reduction of service charges, asking another meeting in a week.

The note makes no direct reference to the service charges, but offers an extension of the loan period on new sets and conversions. The C.E.A. has indicated it will meet again with Western Electric officials, but insists that service charges remain the primary problem.

WB Gets $6,000,000 For Refunding Plan

(*Continued from page* 1)

itself of the maximum amount of the bank credit."

A copy of the loan agreement was filed yesterday with the Securities & Exchange Commission.

The company states that $19,266,000 principal amount of debentures have been deposited under the plan of exchange. The company has purchased in the open market $471,000 principal amount of certificates of deposit which are to be used for sinking fund purposes for the proposed new debentures. Since Sept. 1, 1938, the company has also purchased in the open market $3,102,000 principal amount of debentures, of which $1,700,000 have been retired and the remaining $1,402,000, which are held in the treasury, will be retired in due course.

Earnings Run Higher

After allowing for the foregoing purchases, there remain outstanding an aggregate of $25,827,000 of certificates of deposit and debentures.

The company estimates that the earnings for the quarter ending Feb. 25 will be more than for the corresponding 1938 quarter, when profit of $1,139,018 was shown, after all charges other than Federal surtaxes on undistributed profits.

The deadline for depositing debentures for exchange is March 15. This may be extended at the discretion of the directors.

Allied Unit at Albany Votes to Fight Bills

ALBANY, March 6.—Allied of New York members in the Albany region today voted to contact their legislators to protest adverse bills pending in the legislature.

Resolutions were adopted against the McNaboe sales tax, Coudert-Moffat theatre impost, Ehrlich-Wicks stationary engineer measure and the Crews-Phelps bill for two men in a booth.

There were no complaints heard by the grievance board, though subsequent run protection will be discussed at the next meeting. Representatives of 35 theatres were present. E. Thornton Kelly, state executive scretary, returns to New York on Wednesday.

C. F. I. Will Elect 4 Directors March 23

Four directors of Consolidated Film Industries are slated for reelection for terms of three years at the annual stockholders' meeting March 23.

They are Edward C. Dearstyne, who on Feb. 10 held 900 preferred shares and 1,770 common: Herbert J. Yates, Jr., holding 7,782 preferred and 202 common; Joseph L. Aller, 500 preferred and 2,117 common, and Richard W. Altschuler, listed as owning four common shares.

No other business is scheduled for the meeting, which will be held at 11 A.M. at the company's headquarters, 1776 Broadway. Stockholders of record as of March 2 will be entitled to vote for the directors.

Australian Manager Of Columbia Is Due

Cecil F. Mason, Australian manager for Columbia, is expected in New York within the next few months to discuss recent Australian film legislation and its effects on sales and operations of American companies. He will be accompanied by J. W. Bergher, Columbia's manager for Japan.

Ralph Clark, Warner Australian manager, has been here for the past few weeks and Paramount, M-G-M and 20th Century-Fox Australian managers are en route here.

MacDonald Presides At Warner Rio Meet

RIO DE JANEIRO, March 6.—Karl MacDonald of New York, Warners' Latin American district manager, is here presiding at a meeting of the company's Brazilian branch managers. Warners have eight offices in Brazil.

The meeting will wind up Wednesday. MacDonald will then return to Buenos Aires, where he recently conducted a meeting, and will visit company offices in Chile, Peru, Ecuador and Panama. He will return to New York about May 1.

Helprin Sailing on Saturday to London

Morris Helprin, advertising and publicity representative for Alexander Korda, sails on the *Queen Mary* Saturday for London, where he will confer with Korda. He probably will be gone for several weeks. Korda and Helprin, with studio officials, will discuss advertising plans for forthcoming Korda pictures, among which is "Four Feathers."

'Hot' Music

Omaha, March 6.—Jimmy Morgan, 220-pound cowboy singer over WAAW here, brought his listeners out of their chairs recently when he suddenly shouted over the microphone, "I'm afire," during his broadcast.

Morgan wasn't fooling, either, for his guitar, rubbing against his corduroy trousers, had ignited a packet of matches in his pocket. He put out the fire and proceeded with his program.

Sunday Show Action Put Off in Ontario

TORONTO, March 6.—Ontario is not going to have a wide open Sunday after all, at least for another year. Prior to the opening of the legislature, Gordon Conant, Provincial Attorney General, formally announced that, as the "many representations to the Government to permit some recreations on Sunday are quite recent and there has not been sufficient time to fully consider the requests, no action will be taken by the Government at this session to change present Sunday laws." The cabinet has agreed, it is understood, that any revision would have to stand over until 1940.

The question of permitting Sunday shows and sports actually was broached some months ago but, since that time, many religious bodies had protested against the proposal and the churches had become well organized in their opposition to easing the Sunday prohibition. It was Conant himself, backed by Premier M. F. Hepburn, who had referred openly to a possibility that the Sunday laws would be revised because they were now considered antiquated. Recently, however, the Federal House of Commons had passed a measure to amend the Criminal Code providing for imprisonment for directors of corporations or employers who required any workers to do more than emergency or necessary acts of labor on Sunday anywhere in the Dominion.

Scotch Angered by Fair Film Rejection

LONDON, March 6.—Rejection of films made by an official Scottish committee by the British Council selecting pictures for the New York World Fair has provoked a caustic protest from John Grierson, documentary pioneer and member of the Films for Scotland Committee.

Said Grierson, "Pretty or unpretty Scottish faces have been good enough to build half the British Empire. The forthrightness which the English Committee do not think decorative enough has been Scottish vitality, character, and history, and the upturned noses of the soft and genteel south cannot cancel out a line of it. This intolerable situation must be redressed."

The chairman of the British Council Committee, Philip Guedalla, has replied that Scottish achievements in economic and social reconstruction did not seem to him large enough nor important enough to include in Britain's official picture.

Famous-Canadian Trust Agreement With Para. Expires

TORONTO, March 6.—The voting trust agreement between Paramount and Famous Players-Canadian Corp. which was established 10 years ago to exercise stock control of the latter company expired today. No new trust agreement will replace it but control of the Canadian company is not affected, regardless.

The voting trust held 189,000 shares of Famous Players-Canadian common. Most of this was, and remains, in the control either directly or indirectly of Paramount. Members of the trust were Adolph Zukor, N. L. Nathanson and I. W. Killam, the latter a Montreal financier. Zukor withdrew as chairman of the board of Famous Players-Canadian some time ago. There are no plans for the election of a successor to Zukor at this time. Nathanson, of course, continues as head of the Canadian company.

Nathanson is due back from a Florida vacation in a week or 10 days to complete arrangements for the annual meeting of the company, to be held toward the end of March.

Cole of Allied Urges Abolition of Clearance

(*Continued from page* 1)

said: "We will have something to take the place of the present system. But I am in favor of no clearance whatsoever. I believe it is feasible for a subsequent run to start playing a picture immediately after the prior run is through with it, with no clearance in between.

"The Supreme Court's decision means that you cannot control a subsequent run. My position is that if we took pictures in a given locality and ran them through the various runs, there would be more revenue for all concerned. This has been demonstrated in some situations, affiliated circuit and independent alike.

"It has also been shown that protection, insofar as receipts are concerned, means little or nothing to the first run. Protection as now practiced is used to further a monopoly and is not a good business practice."

"Through Negotiating"

Col. Cole said that Allied's trade practice negotiating committee was disbanded on March 1, in accordance with a mandate from the directors, and that Allied is "through negotiating." Any plan submitted will not be considered by the directors until their meeting at the annual convention in Minneapolis, probably late in May. He blamed the distributors for being dilatory in completing their proposals.

The Allied president has been conferring with regional Allied boards since leaving Dallas 10 days ago. Today he plans to be in Philadelphia and will be in Baltimore on Thursday. He will return here for a meeting with the New Jersey Allied board next Monday and will be in Boston the following day. A meeting with the New York unit's directors is tentatively scheduled for March 16.

Florida May Sue For Cash Paid as Bank Night Prizes

TALLAHASSE, Fla., March 6.—Consideration is being given here to possible suits to collect for the state all money paid or offered as Bank Night prizes during the past two years. Attorney General George C. Gibbs has reported that under a law passed in 1895 his office is required to investigate lotteries for the purpose of collecting the forfeits, and has instructed every State Attorney to investigate the probability of collection and to render a full report.

Whether the suits will be brought against the prize winners or the exhibitors will depend on the recommendations in the reports. Prizes won prior to two years ago cannot be collected as they are banned by the statute of limitations. The action follows two Supreme Court decisions rendered Jan. 20 which declared that Bank Night was a lottery.

Order in Breen Suit

William D. Shapiro, vice president of Bobby Breen Productions, Inc., was ordered yesterday by N. Y. Supreme Court Justice Aaron J. Levy to testify before trial in a suit brought by Israel, Harry and Larry Abelson, doing business as L. Abelson & Son, which sought $22,798 from Bobby Breen Productions. Plaintiffs, clothiers, claimed breach of a contract licensing the use of the name and photograph of Bobby Breen.

M-G-M Suit Dismissed

N. Y. Supreme Court Justice Charles B. McLaughlin yesterday dismissed for failure to prosecute a plagiarism suit of Robert Brister and Harry T. Bliven against M-G-M Pictures Corp. and M-G-M Distributing Corp. Plaintiffs had charged the plagiarism of the title of their play, "Penthouse," in a film of the same name.

Ask Test Before Trial

Application will be made today to the N. Y. Supreme Court for an order directing W. G. Van Schmus, as president, and Fred A. Cruise, as manager of Radio City Music Hall Corp., to testify before trial. Lillian L. Davidson, plaintiff in a $50,000 suit for alleged injuries, claims that she was hurt by spectators on April 1, 1937.

Pizor Praises Air Policies of Zanuck

Philadelphia, March 6.—Lewen Pizor, president of the U.M.P.T.O., has sent a telegram to Darryl F. Zanuck, 20th Century-Fox production head, commending him for his policy on film stars' appearances on the air.

"Grand constructive movement in withdrawing stars from radio," the wire says. "Box-office will have less competition, thus stamping again your cooperation with exhibitors."

Arnstein's $2,000,000 Suit on Songs Starts

Trial of the suit of Ira B. Arnstein for $2,000,000 damages, an injunction and accounting against Warner Bros. Pictures Co., Inc., Ascap, National Broadcasting Corp., Columbia Broadcasting System and a number of individuals and music publishing houses, started before Federal Judge Edward A. Conger yesterday in the U. S. District Court. Complaint charges plagiarism of some 50 songs allegedly composed by Arnstein in songs written, published and broadcast by the defendants.

Stage Union Pact Set

Broadway legitimate stage houses have tentatively agreed on terms with Local 54, Building Service Employes' Union, for a contract covering porters and cleaners. The League of N. Y. Theatres is polling its membership for approval of the pact and the union will meet today to vote on it.

S W G Hearing Recesses

HOLLYWOOD, March 6.—Hearing of N. L. R. B. complaints against major producers over alleged failure to bargain collectively with the Screen Writers' Guild recessed today until tomorrow to give special trial examiner James C. Batten time to study the case.

Yates Reaches Coast

HOLLYWOOD, March 6.—Herbert J. Yates arrived today at Republic studios to put the final touches on "Man of Conquest" and several other studio matters. Reports that Yates' visit would be followed by personnel changes were discounted by studio sources.



Omaha Passes Stage Version of 'Darling'

OMAHA, March 6.—The Omaha welfare board, which banned the film version of "Yes, My Darling Daughter" at the Brandeis here, has approved the stage version to be presented by the Omaha Community Playhouse.

Action of the board followed a preview of the stage play. Members of the board said their action was governed by the fact that the stage play would not be shown to youngsters and minors and that only season ticket holders would be admitted.

Harlan, Ia., Approves Film

HARLAN, IA., March 6.—"Yes, My Darling Daughter," banned in the film version in Omaha has been approved by three local ministers and their wives and members of the City Council and their wives "without exception."

The film also will open in Norfolk, Neb., this week without any censorship troubles.

Clearance Case Suit Settled Before Trial

Test suit brought by Jupo Amusements, operators of the Polk, Jackson Heights, against 20th Century-Fox to determine validity of clearance terms was settled before it reached trial in the Queens County Supreme Court yesterday. The settlement involved adjustment of clearance schedules.

Jupo (Frank Moscato) signed a contract with 20th Century-Fox but the blanks following the words "Clearance Run" were left blank, the exchange relying on the words "as available." Subsequently, the Colony (Brandt) was granted one week's clearance over the Polk. In a preliminary motion, Justice Pete Daly ruled that the failure to fill the blanks after the words "Clearance Run" required the company to furnish product without clearance to any other house.

Cincinnati Manager Convicted for Game

CINCINNATI, March 6.—William Dodds, manager Imperial, neighborhood unit of Associated Theatres, arrested for promoting a game of chance and possessing lottery tickets when he operated Cash Night, was convicted by Municipal Judge Clarence E. Spraul, fined $5 on each charge, granted a 30-day stay of execution to appeal, and released on $50 bond.

Police Sergeant William Stath, in the theatre when Dodds announced the drawing of a $25 capital prize and 10 $1 awards, made the arrest. Dodds has indicated his intention of appealing the case.

4 Brokers Testify In Ticket Code Suit

Trial of the suit brought by Acme agency to restrain enforcement of the ticket brokers' code started yesterday before Referee Morris Cooper, Jr. League of New York Theatres and Actors' Equity are defendants.

Four brokers testified yesterday that they were compelled to sign the code. Witnesses were Walter Friedman of Acme, Joseph Keith of Leblang-Gray, Louis Ringerheim of Louis Cohn's, and William McBride. The trial is expected to last all week.

Rydge Is Due from Australia March 27

Norman Bede Rydge, managing director of Greater Union Theatres in Australia and affiliated interests, is due in New York March 27 on his first visit to the United States. The purpose of his trip is to confer with S. R. Kent, president of 20th Century-Fox, and other company heads regarding the distribution-exhibition situation in Australia.

Rydge, who also heads British Empire Films, a distributing organization, and Cinesound Productions, was the chief sponsor of the new films act in New South Wales which imposed greater restrictions on American distributors, including a 25 per cent cancellation privilege and a production quota.

His interests, which are influential with the New South Wales Government, are willing to recommend amelioration of the law provided Greater Union and affiliated theatres are given a greater share of American films.

Greater Union's product troubles date from the time its pool with Hoyts was dissolved, in June, 1937. Hoyts is the dominant circuit. It is controlled by National Theatres (Skouras).

Has 60 Theatres

Greater Union has 60 theatres, plus others in affiliation. Its product consists of Universal, Republic, Monogram and second choice of other major product after Hoyts. The circuit, however, gets a good share of M-G-M pictures, in conjunction with Metro's own six theatres in Australia. Greater Union finds this an insufficient supply of big pictures for its three first runs in Sydney and others.

The division of major company product has long been a problem in Australia and has been a factor in arousing feeling against the American companies which has led to restrictive legislation.

The Greater Union interests believe that something may be accomplished by having Rydge come here for personal discussions with executives of 20th Century-Fox, which controls Hoyts indirectly through National Theatres.

On Boards of 15 Companies

Rydge is on the boards of 15 companies, and is considered a financial and business leader in Australia. Other than film interests, he is connected with a chain of hotels, banking and investments and mercantile companies and publishes *Rydge's Business Journal*, a monthly. He became managing director of Greater Union and affiliated companies when the pool with Hoyts was disbanded.

Capt. Harold Auten, Greater Union representative here, will leave March 15 for Los Angeles to meet Rydge on his arrival march 20 on the *Monterey*.

File Acoustic Briefs

Plaintiff's briefs in the Wilmington patent infringement suit brought by British Acoustic Films against RCA and Erpi were served upon defense attorneys yesterday. Final briefs will not be completed before April 5, with argument set for April 7 before Federal Judge John P. Nields. The action involves two patents covering improved film feed mechanisms through sound head projectors.

Curtain going up!

PARAMOUNT'S ★★★★ *Spring* SHOW!



They're *HONEYS*
. . . and they're all
from PARAMOUNT!



IT'S A PARAMOUNT SEASON!



PARAMOUNT'S 4 STAR DRIVE FEB.26 TO MAY 27.





"THE BEACHCOMBER"



"CAFE SOCIETY"

It's new . . . it's news . . . it's the screen's first story of the glamorous "400" of the night clubs. With a big-name cast headed by MADELEINE CARROLL, FRED MacMURRAY, SHIRLEY ROSS. Directed by Edward H. Griffith.

"THE BEACHCOMBER"

CHARLES LAUGHTON'S triumphant comedy of romance in the South Seas—now blazing a box-office trail from coast to coast. A Mayflower picture with Elsa Lanchester, produced and directed by Erich Pommer.

"MIDNIGHT"

. . . CLAUDETTE COLBERT and DON AMECHE head the prize cast of the season in "Midnight," the prize romantic comedy of the year. With JOHN BARRYMORE, Francis Lederer, Mary Astor, Elaine Barrie. Directed by Mitchell Leisen.

"SUDDEN MONEY"

Hilarious story of sweepstakes winners, sure to get big money. With a hand-picked comedy cast, built for laughs, including Charlie Ruggles, Marjorie Rambeau, Charles Grapewin, William Frawley. Directed by Nick Grinde.

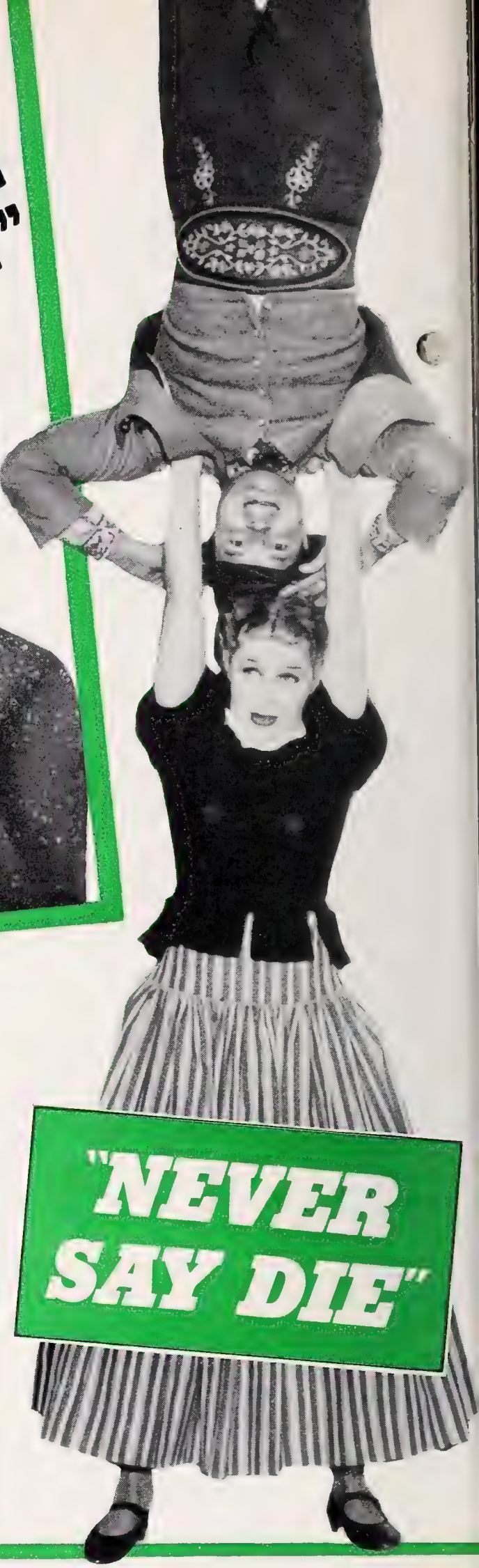
"KING OF CHINATOWN"

AKIM TAMIROFF, whose roles have made screen history, delivers his best performance as Frank Baturin, strong man of a city of sin. With Anna May Wong, J. Carrol Naish. Directed by Nick Grinde.











"I'M FROM MISSOURI"

. . . Starring the one and only BOB BURNS . . . and topping "The Arkansas Traveler" in every department. With GLADYS GEORGE, Gene Lockhart and Samson, the only mule ever to spend a night in a Turkish bath. Directed by Theodore Reed.

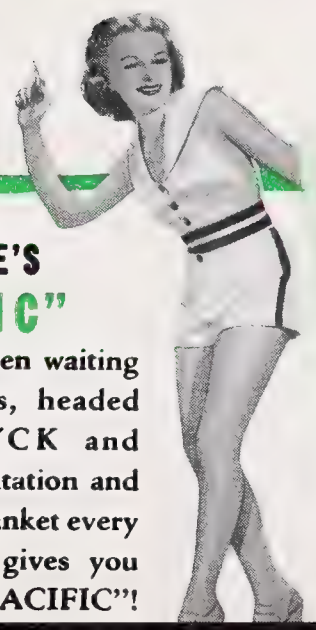
"BACK DOOR TO HEAVEN"

The first of the much-heralded, long-awaited Bernard Steele eastern presentations . . . already winning the plaudits of the critics. "Hit as box-office melodrama. A triumph!" says Hollywood Reporter. With Wallace Ford, Stuart Erwin, Patricia Ellis, Aline McMahon. Produced and directed by William K. Howard.

"NEVER SAY DIE"

The laughs come fast and furious when MARTHA RAYE and BOB HOPE go on a funny-honeymoon...with ANDY DEVINE along as chaperon, and Alan Mowbray as jealous lover. Gale Sondergaard and Ernest Cossart round out a perfect cast. Directed by Elliott Nugent.

Cecil B. DeMille's "UNION PACIFIC"



CECIL B. DeMILLE'S
"UNION PACIFIC"

. . . The BIG picture you've been waiting for, with a cast of thousands, headed by BARBARA STANWYCK and JOEL McCREA...and an exploitation and advertising campaign that will blanket every town in America. Paramount gives you Cecil B. DeMille's "UNION PACIFIC"!



PARAMOUNT SPRINGS SOME MORE SPRING SURPRISES!

PARAMOUNT'S 4 STAR DRIVE FEB.26 TO MAY 27.





"THE LADY'S FROM KENTUCKY"

. . . GEORGE RAFT and ELLEN DREW, beautiful star of "Sing You Sinners" and "If I Were King" in a heart-pounding, pulse-racing story of the turf . . . with Hugh Herbert and ZaSu Pitts in support. It's one for the money...sure to lead the field. Directed by Alexander Hall.

"UNMARRIED"

. . . Paramount showmanship stars BUCK JONES, most popular of cowboy stars, in his first dramatic role. A hard-hitting action drama of down-to-earth folks, with HELEN TWELVETREES and DONALD O'CONNOR, kid star of "Sing You Sinners." Directed by Kurt Neumann.

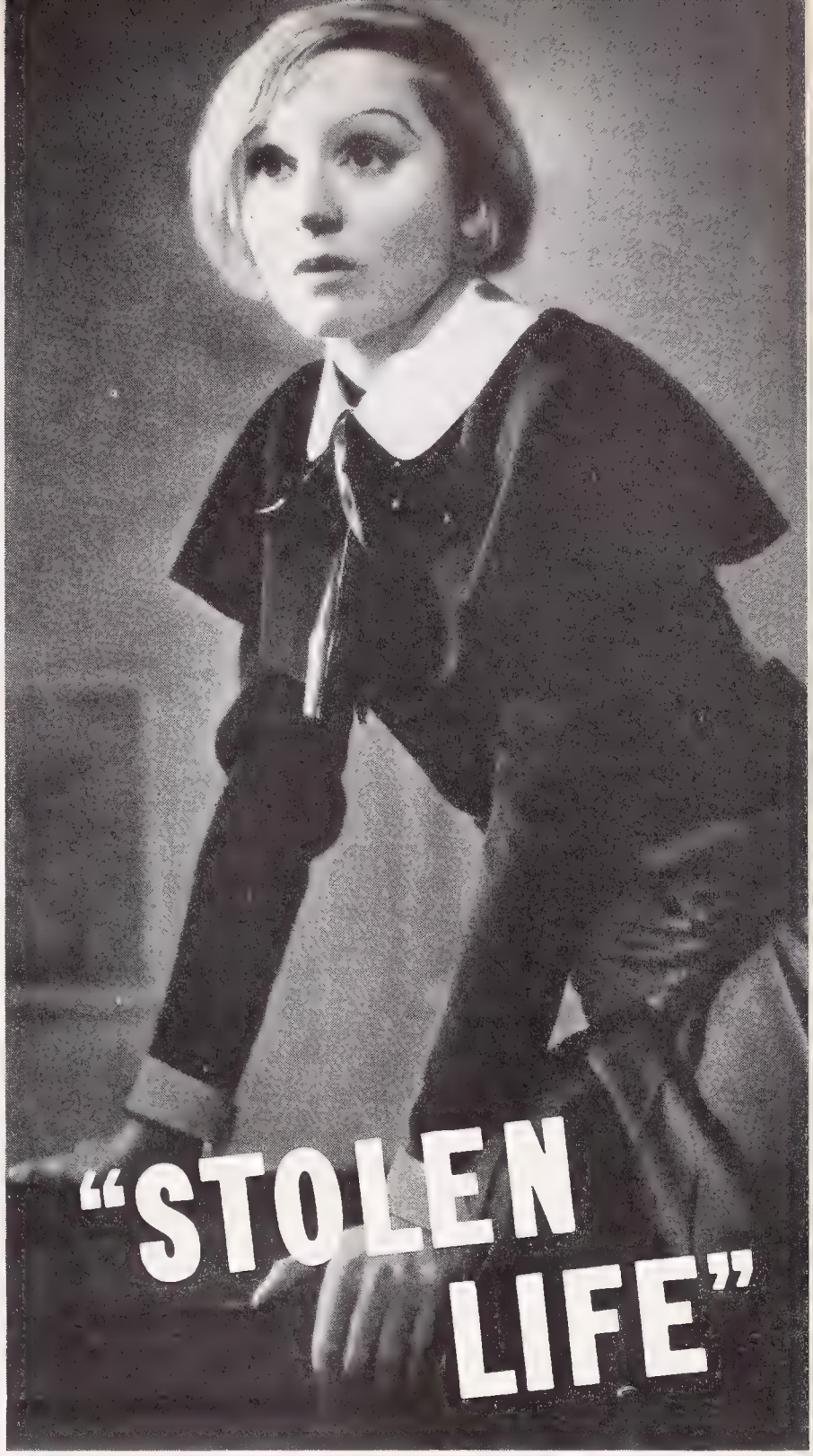
"HOTEL IMPERIAL"

. . . . . Glamorous, exciting ISA MIRANDA, in her first American screen role . . . co-starred with RAY MILLAND in a powerful drama of strange adventure and strange people behind the gates of Hotel Imperial. With Reginald Owen, Gene Lockhart and J. Carrol Naish. Directed by Robert Florey.

"STOLEN LIFE"

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Paramount Pictures

'Stagecoach' Big $18,800 Chicago Hit

CHICAGO, March 6.—"Stagecoach" rambled into the Loop to garner $18,800 which is the best business the Roosevelt has had in months.

"The Girl Downstairs," with vaudeville at the State-Lake, grossed a neat $13,200 while "The Lone Wolf Spy Hunt" and "Gambling Ship" at the Oriental, plus vaudeville, showed a profit at $14,200. "Pygmalion" continued to do big business in a third week at the Apollo and "Gunga Din" closed a profitable run at the Palace.

Estimated takings for the week ending March 1-4:

"Pwgmalion" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 3rd week. Gross: $9,000. (Average, $6,500)

"Stand Up and Fight" (M-G-M)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Littlefield Ballet. Gross: $26,600. (Average, $32,000)

"The Beachomber" (Para.)
GARRICK—(900) (35c-40c-50c) 7 days. Gross: $5,000. (Average, $6,500)

"Lone Wolf Spy Hunt" (Col.)
"Gambling Ship" (Univ.)
ORIENTAL—(3,400) (25c-35c-40) 7 days. Stage: Bill Anson with Revue. Gross: $14,200. (Average, $13,000)

"Gunga Din" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days, 4th week. Stage: Chester Hale Girls & Revue. Gross: $18,800. (Average, $19,000)

"Stagecoach" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days. Gross: $17,500. (Average, $11,000)

"The Girl Downstairs" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: 3 Stooges and Revue. Gross: $13,200. (Average, $12,000)

"Let Freedom Ring" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $10,000. (Average, $15,000)

'Other' $13,000 Cincinnati High

CINCINNATI, March 6.—"Made of Each Other" garnered high money with $13,000 at the RKO Albee. "Fast and Loose" did well with $6,200 at Keith's, "Gunga Din" did $5,600 on a moveover week at the RKO Lyric, and "Huckleberry Finn" pulled $5,500 on a second downtown week at the RKO Capitol.

Estimated takings for the week ending March 2-4:

"Made for Each Other" (U. A.)
RKO ALBEE—(3,300) (35c-42c), 7 days. Gross: $13,000. (Average, $12,000)

"Three Musketeers" (20th-Fox)
RKO PALACE—(2,700) (35c-42c), 7 days. Gross: $8,700. (Average, $10,000)

"Pygmalion" (M-G-M)
RKO SHUBERT—(2,150) (35c-42c), 7 days, 3rd week. Gross: $4,900. (Average, $12,000)

"Huckleberry Finn" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c), 7 days, 2nd week. Gross: $5,500. (Average, $12,000)

"Gunga Din" (RKO)
RKO LYRIC—(1,400) (35c-42c), 7 days, 2nd week. Gross: $5,600. (Average, $6,500)

"Honolulu" (M-G-M)
RKO GRAND—(1,200) (25c-40c), 7 days, 3rd week. Gross: $2,400. (Average, $2,750)

"Pride of the Navy" (Republic)
"Fighting Thoroughbreds" (Republic)
RKO FAMILY—(1,000) (15c-25c), 4 days. Gross: $1,300. (Average, $1,400)

"Pirates of the Skies" (Univ.)
"I Am a Criminal" (Monogram)
RKO FAMILY—(1,000) (15c-25c), 3 days. Gross: $1,000. (Average, $1,050)

"Fast and Loose" (M-G-M)
KEITH'S—(1,500) (30c-40c), 7 days. Gross: $6,200. (Average, $6,500)

Hollywood Preview

"My Wife's Relatives"

(Republic)

HOLLYWOOD, March 6.—"My Wife's Relatives" is amusing entertainment for family theatre audiences. A domestic comedy, the picture is loaded with those elements in characterization, dialogue, situation and action commonly appealing to the common people. Some of the entertainment offered is homey, human humor; some of it is hokum. The combination, however, makes for a laugh-provoking show.

The Gleason family, James, Lucille and Russell, is featured in "My Wife's Relatives," which is the second episode in the "Higgins Family" series. The trio is given exceptionally good support by Harry Davenport, Maude Eburne, Mary Hart, Henry Arthur, Purnell Pratt and the minor members of the cast.

Trouble comes in bunches for Gleason after he loses his job with candy-maker Pratt. Pratt tries to break up the romance between his son, Arthur, and James' daughter, Miss Hart. Plumber son, Russell, almost wrecks Pratt's home while he tries to fix a leaking sink during a reception. Grandpa Davenport is at his wit's end trying to keep out of widow Eburne's clutches. An installment collector trying to get payments on a ring vexes harassed Gleason no end. Going into the candy business on his own, Gleason's real tragedy comes when it is believed that the lost ring is hidden in a candy bar. A big reward is offered for its return and business booms phenominally to put the man on easy street. But Davenport, who would do anything to save his son-in-law from his creditors, would willingly be a martyr to Miss Eburne's romantic ambitions, only to be saved from her by the whole family, who go through a wild chase to rescue him.

Humor is the essence of Jack Townley's screenplay, just as it is the spirit of the original story written by Dorrell and Stuart MacGowan. Gus Mein directed.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

'Gunga Din' Does $10,000, Montreal

MONTREAL, March 6.—"Gunga Din" at the Palace scored $10,000. Attendance at all theatres was adversely affected by rough weather, influenza and Lent.

"King of the Turf" opened at the Orpheum on a double bill with "Pride of the Navy" and the result was a hold-over following a gross of $5,000. "St. Louis Blues" and "Boy Trouble" brought $7,000 to the Capitol.

Estimated takings for the week ending March 4:

"St. Louis Blues" (Para.)
"Boy Trouble" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,000. (Average, $9,500)

"Little Tough Guys in Society" (Univ.)
LOEW'S—(2,800) (30c-40c-60) 7 days. Stage: Benny Davis and Stardust Revue of 1939. Gross: $6,500. (Average, $8,000)

"King of the Turf" (U. A.)
"Pride of the Navy" (Rep.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Gunga Din" (RKO)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $10,000. (Average, $11,000)

"Son of Frankenstein" (Univ.)
"Down on the Farm" (20th Cen.-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $4,500. (Average, $7,000)

Capitol in Waterbury Locks Out Operators

WATERBURY, CONN., March 6.—Union operators were locked out of the Capitol, when the management claimed that Local 304 had failed to provide the house with "capable" operators. A non-union employe has been substituted. The union charges breaking of a contract which expires Sept. 1, and is picketing the house.

Cameramen Dance April 1

James J. Walker, Henry Youngman, Milton Berle, Harry Hershfield and Jay C. Flippen will be masters of ceremonies for the tenth annual dance and entertainment of the Press Photographers' Association, to be held at the Astor Hotel, April 14. Tickets are priced at $2.75.

Clark Buys Exchange

OKLAHOMA CITY, March 6.—W. T. Clark has resigned as head booker of the 20th Century-Fox exchange here to operate the Crescent Exchange.

Minneapolis Gives 'Heart' Good $7,500

MINNEAPOLIS, March 6.—The Twin City Variety Club's sale of $26,000 in theatre tickets to aid European refugees caused box-office receipts to drop here last week. The tickets were good for any theatre in the Twin Cities Feb. 27 through March 2. "The Young in Heart" at the State was the only show to do above average, taking $7,500.

In St. Paul, "Honolulu" did best with $3,800 at the Paramount.

Estimated takings for the week ending March 2:

Minneapolis:

"Ambush" (Para.)
"Secrets of a Nurse" (Univ.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,400. (Average, $1,500)

"St. Louis Blues" (Para.)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $3,500. (Average, $4,000)

"Pacific Liner" (RKO)
GOPHER—(990) (25c-40c) 7 days. Gross: $2,500. (Average, $3,000)

"Son of Frankenstein" (Univ.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $3,200. (Average, $4,800)

"The Young in Heart" (U. A.)
STATE—(2,300) (25c-40c) 7 days. Gross: $7,500. (Average, $4,400)

"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days. 7th week. Gross: $1,400. (Average, $1,600)

St. Paul:

"They Made Me a Criminal" (W. B.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $3,000. (Average, $3,200)

"Honolulu" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,800. (Average, $4,400)

"The Great Man Votes" (RKO)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $2,000)

"Persons in Hiding" (Univ.)
"Swing, Sister, Swing" (Para.)
TOWER—(1,000) (25c) 7 days. Gross: $2,200. (Average, $1,600)

"A Man to Remember" (RKO)
WORLD—(400) (25c-35c) 7 days. 3rd week. Gross: $1,200. (Average, $700)

Fire Destroys House

CHINA GROVE, N. C., March 6.—Grove here was destroyed by fire which originated in the boiler room. Damage was put at $30,000.



'Honolulu', Dual Captures $12,500 Kansas City High

KANSAS CITY, March 6.—In spite of a heavy snowstorm and cold weather, plus two nights of the Kansas City Philharmonic at the Music Hall, "Honolulu" and "The Lone Wolf Spy Hunt" did $12,500 at Loew's Midland. Other bills suffered.

"You Can't Cheat an Honest Man" took $3,200 at the Uptown and $2,900 at the Esquire. "The Beachcomber" took a good $8,400 at the Newman.

Estimated takings for the week ending March 1-2:

"The Beachcomber" (Para.)
NEWMAN—(1,900) (25c-40c) 8 days. Gross: $8,400. (Average, 8 days, $7,600)
"You Can't Cheat an Honest Man" (Univ.)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,900. (Average, $3,000)
"Honolulu" (M-G-M)
"The Lone Wolf Spy Hunt" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $12,500. (Average, $11,500)
"Gunga Din" (RKO)
ORPHEUM—(1,500) (25c-40c) 7 days, 3rd week. Gross: $4,700. (Average, $5,000)
"The Three Musketeers" (20th-Fox)
FOX TOWER—(2,200) (25c-40c) 7 days. Stage: Jack Fulton, Jay & Lou Seiler, Alphonse Berg, John Gallus, Natalie Kahn. Gross: $7,100. (Average, $7,000)

Albany Film Bills Still in Committee

ALBANY, March 6.—None of the bills affecting the motion picture industry have as yet been reported out of committee in the New York State legislature, although the Bennett measure affecting chain stores has been amended to exclude theatres, and the Phelps-Crews two-men-in-a-booth bill is likely to be amended in the next week.

Still very much alive and active, of course, are the tax bills, since the 1939-'40 budget and its consequent taxation measures to defray approximately $415,000,000 have yet to be voted on or even agreed upon. Until the tax bills have been voted, theatre interests will not know if they are to be subjected to a sales tax, the $1 per $1,000 real estate property assessment valuation or the many other forms submitted in pending legislation.

Assemblyman William J. Butler's bill to clarify the existing confusion in the admission of children under 16 years has been amended to eliminate any picture opposition and now has definite support from the exhibitors. At present, one section of the law empowers the admission of children without parents or otherwise authorized persons, while still another makes it a misdemeanor for such permissive action. The Butler bill follows the Ehrlich bill of 1937 and has the support of children's aid societies as well as that of exhibitors.

Stuart Appointed to Salt Lake City Post

SALT LAKE CITY, March 6.—Herschel Stuart is coming here in the position of booker and buyer for the Fox (Skouras) theatres. He will work out of Salt Lake, covering the National Theatres affiliates of Utah, Montana and Idaho. Stuart has been stationed in Denver up to the time of his present assignment.

Hollywood Previews

"The Ice Follies of 1939"

(M-G-M)

HOLLYWOOD, March 6.—Three-quarters of "The Ice Follies of 1939" is a romantic drama that follows a prescribed formula. Joan Crawford and James Stewart are directly involved. Lew Ayres is concerned in about the same extent as spectators sitting in the bleachers at a ball game. The other quarter of the picture is an elaborate and picturesque presentation of the spectacular "International Ice Follies" in which Bess Ehrhardt, Roy Shipstad, Eddie Shipstad and Oscar Johnson, plus a chorus of skating beauties, are featured. This part has been photographed in color. In it the show's most meaningful entertainment and exploitation possibilities are to be found. A fraction of the picture's entertainment and showmanship worth is represented by Miss Crawford's vocal solo.

The Stewart-Crawford-Ayres ice skating team breaks up and so does the Stewart-Crawford marriage. In a year, Miss Crawford becomes the cinderella girl of the films and Stewart thinks up the idea of a three-rink skating circus. When Miss Crawford announces her retirement from the screen at the moment of her greatest triumph, the lovers get together again and Stewart is hired to produce his "Follies" in pictures. Ensues the episodes in which the whole routine of the noted skating show is presented. Also comes the moment when Miss Crawford sings.

A Harry Raff production, the picture is based on a story by Leonard Praskins, who collaborated on the screenplay with Florence Ryerson and Edgar Allen Woolf. Reinhold Schunzel directed.

Running time, 80 minutes. "G."* G. McC.

"The Lady and the Mob"

(Columbia)

HOLLYWOOD, March 6.—Fay Bainter is the lady of the title, and the mob is made up of Warren Hymer and a hand-picked half-dozen even tougher mugs, if that be possible. The lady is a rich and eccentric matron in stiff black alpaca who meets a band of "protection" racketeers on their own terms and rids her city of them in a merrily melodramatic yet sharply pointed sequence of head-on engagements. No previous picture save possibly "A Slight Case of Murder" has treated of crime and criminals in quite this way. This one, besides placing the principal plug-uglies on the side of law and order, takes time out in midpicture for powerful delivery of some well written lines on the subject of Americanism and the precise meaning of citizenship. The film kept a preview audience in high spirits throughout.

Miss Bainter's performance, keystone of the picture, is precisely the sort of thing Columbia would have ordered if it had been known in advance that she was to win the Academy award and come, thereby, into immediate box-office demand. Naturally, this circumstance gives the production extra marquee value. Ida Lupino, Henry Armetta, Harold Huber and Lee Bowman are other principals in the picture, but Miss Bainter is steadily before the camera from start to finish and mainspring of the story development.

The screenplay by Richard Maibaum and Gertrude Purcell, from a story by George Bradshaw and Price Day, is intricately plotted and roundly supplied with humorous dialogue. The plot itself is much too complicated for expedient synopsis, although utterly coherent as presented. Associate producer Fred Kohlmar and director Ben Stoloff have achieved a remarkable result in keeping an essentially gangster story consistently funny without sacrifice of moral connotation.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS.

**"G" denotes general classification.*

Legion Approves 10 Of 11 New Pictures

National Legion of Decency approved 10 of 11 films reviewed and classified this week.

Class A-1, Unobjectionable for General Patronage — "Bulldog Drummond's Secret Police," "Code of the Cactus," "North of Shanghai," "Outlaw's Paradise," "Rolling Westward" and "The Spirit of Culver." Class A-2, Unobjectionable for Adults—"Blackwell's Island," "Everybody's Baby," "King of Chinatown" and "Oklahoma Kid." Class B, Objectionable in part—"Yes, My Darling Daughter."

Refuses to Set Date For B&K Suit Trial

CHICAGO, March 6.—Federal Judge Holly, after "pre-trial" conference today with attorneys in the suit of the Gary Theatre Company against Balaban & Katz and Warner theatres and major companies, refused to set a trial date. He suggested depositions be taken before the date for trial is set. It is understood the independents' suit against B. & K. may be postponed again when the hearing comes up tomorrow before Federal Judge Wilkerson.

'Stagecoach' $13,000 for Philadelphia

PHILADELPHIA, March 6.—Top grosser was Artie Shaw's band at "Tail Spin" at the Fox, which brought in $27,500 for the first stage-screen combination in months at the theatre. "Stagecoach" got a strong start at the Aldine with $13,000.

The Palace took $5,000 with "Boy Slaves." The Earle, back to a straight picture policy of second runs, got $10,000 with "Jesse James."

Estimated takings for the week ending March 2:

"Stagecoach" (U. A.)
ALDINE—(1,300) (32c-42c-57c) 7 days. Gross: $13,000. (Average, $8,160)
"Tempest" (Tri-National)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd week. Gross: $1,800. (Average, $2,800)
"Pygmalion" (M-G-M)
BOYD—(2,400) (32c-42c-57c) 7 days, end week. Gross: $13,000. (Average, $14,600)
"Jesse James" (20th-Fox)
EARLE—(2,000) (26c-32c-42c) 7 days. Gross: $10,000. (Average, $8,000)
"Tail Spin" (20th-Fox)
FOX—(3,600) (32c-42c-57c-68c) 7 days film, 6 days stage. Stage: Artie Shaw Orchestra. Gross: $27,500. (Average, $16,000)
"Made for Each Other" (U. A.)
KARLTON—(1,000) (32c-42c-57c) 7 days. Gross: $4,000. (Average, $4,000)
"WINGS OF THE NAVY" (W. B.)
KEITH'S—(2,000) (32c-42c-57c) 7 days. Gross: $3,000. (Average, $4,000)
"BOY SLAVES" (RKO)
PALACE—(1,000), 26c-42c, 7 days. Gross: $5,000. (Average $4,500)
"Huckleberry Finn" (M-G-M)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $14,000. (Average, $14,000)
"Fast and Loose" (M-G-M)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $5,500. (Average, $7,000)

'Pygmalion' with $6,800 Is High in Milwaukee Slump

MILWAUKEE, March 6.—"Pygmalion" took $6,800 at Fox's Palace in eight days. "Gunga Din," held over at the Warner for a second week, was pulled after four days in favor of "Yes, My Darling Daughter" and "You Can't Cheat an Honest Man," and put into Fox's Strand. Lent and the flu caused trouble at the box-offices.

Estimated takings for the week ending March 2:

"Monastery" (S. R.)
LITTLE THEATRE—(1,098) (35c-50c) 7 days, 2nd week. Gross: $2,000.
"Pygmalion" (M-G-M)
PALACE—(2,400) (35c-50c) 8 days. Gross: $6,800. (Average, $5,000)
"Gambling Ship" (Univ.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: Hollywood Hi-Lites. Gross: $4,000. (Average, $5,000)
"Idiot's Delight" (M-G-M)
"Smiling Along" (20th-Fox)
STRAND—(1,400) (35c-50c) 4 days. Gross: $1,200. (Average, $4,500)
"Gunga Din" (RKO)
STRAND—(1,400) (35c-50c) 3 days. Gross: $2,000. (Average, $4,500)
"Gunga Din" (RKO)
WARNER—(2,400) (35c-50c) 4 days. 2nd week. Gross: $1,800. (Average, $5,000)
"Yes, My Darling Daughter" (W. B.)
"You Can't Cheat an Honest Man" (Univ.)
WARNER—(2,400) (25c-50c) 3 days. Gross: $2,500. (Average, $5,000)
"Tailspin" (20th-Fox)
"Mr. Moto's Last Warning" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 7 days. Gross: $7,000. (Average, $8,000)

'Musketeers' with Stage Show Garner $16,000, Cleveland

CLEVELAND, March 6.—"The Three Musketeers," with the original Crazy Show on the stage, pushed the RKO Palace into the lead with $16,000. "King of the Underworld" at the Allen took $4,300. "Topper Takes a Trip" at Loew's State drew $10,000. Warners' Hippodrome, with the second week of "Gunga Din," came through with $12,000.

Estimated takings for the week ending March 3:

"King of the Underworld" (W. B.)
ALLEN—(3,000) (30c-35c-42c), 7 days. Gross: $4,300. (Average, $4,000)
"Gunga Din" (RKO)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c), 7 days, 2nd week. Gross: $12,000. (Average, $12,000)
"The Three Musketeers" (20th-Fox)
RKO PALACE—(3,100) (30c-42c-55c), 7 days. Stage: "A Crazy Show." Gross: $16,000. (Average, $15,000)
"Topper Takes a Trip" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c), 7 days. Gross: $10,000. (Average, $13,000)
"Pygmalion" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c), 7 days, 3rd week. Gross: $4,800. (Average, $5,000)
"Mamele" (Green Film Co.)
CITY—(485) (35c-42c), 7 days. Gross: $1,100. (Average, $1,200)

CBC Set to Cover Arrival of Royalty

QUEBEC, March 6.—Vast broadcasting coverage of the arrival of King George and Queen Elizabeth in Canadian waters and at Quebec is now being prepared by Canadian Broadcasting Corp. A commentator and a broadcast crew are to board the *H.M.C.S. Saguenay* when it meets *H.M.S. Repulse* off Newfoundland May 13. The night before the Royal couple arrive in Quebec, CBC will broadcast a show as the *Repulse* passes up the St. Lawrence, and a special broadcast will be aired of the disembarkation at 9:30 A.M. May 15.

Two flying broadcast units will follow the Royal party and give daily summaries of events over the Empire network. At Ottawa the network will cover the unveiling of the memorial to the war dead by the King, and the laying of the corner stone of the new Supreme Court by the Queen. Additional plans are now being formulated.

Carnation Signs for New Series on WOR

Carnation Milk Co. has signed for a new series on WOR and starting April 3 will present Arthur Godfrey in a program of song and informal talk, Mondays, Wednesdays and Fridays from 9 to 9:15 A.M. Erwin Wasey & Co. is the agency.

Another new WOR sponsor is the Ruppert Brewing Co., which has signed a 52-week contract for the presentation of Stan Lomax in a sports series starting April 1. Lomax will be heard Tuesdays, Thursdays and Saturdays from 7 to 7:15 P.M. Lennen & Mitchel is the agency.

A renewal, for four weeks, is by Pinex Co., sponsoring Arthur Connolly in Transradio News talks Tuesdays and Thursdays from 4 to 4:15 P.M. The renewal is effective March 7. The Russell M. Seeds agency placed the extension.

Out Hollywood Way

HOLLYWOOD, March 6. — Republic has purchased a "Big Town" broadcast script by PAUL SCHOFIELD and signed him to do the script, and an original, "Bowery Boy," by SAM FULLER. FULLER will do the treatment on his story . . . Next patriotic short at Warners will be "Bill of Rights," featuring JOHN LITEL and to be directed by CRANE WILBUR from a CHARLES TEDFORD script . . . MILTON BREN's first picture for M-G-M will be "Five Days," featuring ROBERT YOUNG and ROSALIND RUSSELL.

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DAVID A. BADER of the Literary Corp. of America has acquired the remake film rights of CHARLES BENNETT's "Blackmail," which was the first talking picture to be produced in England . . . Warners is planning "Wish You Were Here," story of an auto trailer camp, with JANE BRYAN, MARIE WILSON and DENNIS MORGAN . . . At the same studio, BONITA GRANVILLE and FRANKIE THOMAS are tentatively set for "Five Little Peppers Midway," one of the novels by MARGARET SIDNEY . . . Paramount has signed WILLIAM HOLDEN, 20-year-old community playhouse actor, for "What a Life!"

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Paramount has purchased "The World on Parade," original by ENDRE BOHEM, and "The Honorable Uncle Lancy," novel by ETHEL HOUSTON . . . Production having suspended about a year ago, "Maximilian," story of Mexico during Maximilian and Carlotta's ill-fated reign, is being completed by MIGUEL C. TORRES. MEDEA NOVARA, CONRAD NAGEL, LIONEL ATWILL, GUY BATES POST, EVELYN BRENT head the cast. The film is assertedly being sponsored by the Mexican Government, which cooperated in its making. It will be released in both English and Spanish languages.

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Among ERROL FLYNN vehicles being prepared by Warners is "Burning Daylight," from the JACK LONDON vehicle . . . FRED W. KANE, unaffiliated producer, has purchased a story, "Include Me Out," by RALPH PASSER and LYFORD MOORE . . . Paramount is rushing "Air Raid" into early production, substituting FRED MACMURRAY for MELVYN DOUGLAS in the role opposite MADELEINE CARROLL, due to DOUGLAS' unavailability. JEFF LAZARUS will produce and EDWARD H. GRIFFITH will direct . . . Also on Paramount's early production schedule is "Dr. Cyclops," a mystery picture. DALE VAN EVERY will produce and ERNEST B. SCHOEDSACK will direct. TOM KILPATRICK wrote the original story . . . INEZ COURTNEY, ill, was replaced in the cast of M-G-M's "One Hundred to One" by GLADYS BLAKE . . . RKO has purchased "Full Confession," story by LEO BIRINSKI of prison life.

British Producers And Lab Workers Reach Wage Pact

LONDON, March 6.—An agreement between production employers and technician employes has been reached in Great Britain, with the objective of regulating wages and working conditions of laboratory workers. Fourteen laboratories, employing approximately 1,000 technicians, are covered by the agreement, which is the first of its kind in the industry, inasmuch as it is a collective pact covering an entire section of workers in one field.

The agreement was negotiated by the Film Production Employers' Federation, formed with the object of entering into an understanding with the unions, and by the Association of Cine Technicians, authorized body representing workers in studios and laboratories.

The agreement will operate for two years, and provides, when necessary, for setting up a joint committee of seven members, with a chairman appointed by the Ministry of Labour.

To Air 'Drummond'

Radio Attractions has acquired radio rights to the H. C. (Sapper) McNeile "Bulldog Drummond" stories, and will begin immediate preparations to produce the stories in transcription form. Radio Attractions has completed production of the "Fu Manchu" series and is now producing a series of transcribed programs based on the "Hopalong Cassidy" stories.

'Pygmalion' $11,000 New Haven Leader

NEW HAVEN, March 6.—"Pygmalion" and "My Son is a Criminal" took $11,000 at the Loew-Poli. "You Can't Cheat an Honest Man" and "The Mysterious Rider" took $6,900 at the Paramount. At the Roger Sherman, "Yes, My Darling Daughter" and "Nancy Drew, Reporter," plus a midnight show, drew $7,000. The second week of "Made for Each Other" and "Strange Case of Dr. Meade" at the College added $2,600.

Estimated takings for the week ending March 3:

"Made for Each Other" (U. A.)
"Strange Case of Dr. Meade" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days. 2nd week. Gross: $2,600. (Average, $2,500)
"Pygmalion" (M-G-M)
"My Son Is a Criminal" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $11,000. (Average, $8,000)
"You Can't Cheat an Honest Man" (Univ.)
"The Mysterious Rider" (Para.)
PARAMOUNT—(2,348) (35c-40c) 7 days. Gross: $6,900. (Average, $4,400)
"Yes, My Darling Daughter" (W. B.)
"Nancy Drew—Reporter" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days, and midnight show. Gross: $7,000. (Average, $4,700)

Form Wire Broadcasting

DOVER, Del., March 6. — Wire Broadcasting, Inc., has been formed here to deal in all forms of entertainment with a capital of $300,000 and 16,000 shares of no par value. The incorporators are David H. Jackman, Edwin E Lindgren, and George V. Reilly of New York.

Danzig in WPA Unit

Frank Danzig of WNEW's continuity staff has joined the Federal Theatre Radio Division as assistant continuity editor.

'Huckleberry' Leads Denver With $12,000

DENVER, March 6. — "Huckleberry Finn" and "Pacific Liner" at the Orpheum led the town with $12,000. "Stagecoach" ran a close second with a strong gross of $11,000 at the Denver. "Made for Each Other" took $4,000 in the second week, at the Aladdin, and "Cafe Society" drew $6,500 at the Denham.

Estimated takings for the week ending March 1:

"Made for Each Other" (U. A.)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $4,000. Average, $3,500)
"Honolulu" (M-G-M)
"Burn 'Em Up O'Connor" (M-G-M)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $3,000. (Average, $2,500)
"Cafe Society" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $6,500. (Average, $6,000)
"Stagecoach" (U. A.)
DENVER—(2,525) (25c-35c-50c), 7 days. Gross: $11,000. (Average, $8,500)
"Huckleberry Finn" (M-G-M)
"Pacific Liner" (RKO)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $12,000. (Average, $8,000)
"Off the Record" (W. B.)
"Charlie Chan in Honolulu" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Son of Frankenstein" (Univ.)
"Homicide Bureau" (Col.)
RIALTO—(878) (25c-40c), 7 days, "Son of Frankenstein," 2nd week. Gross: $2,500. (Average, $1,750)

'Huck Finn' Does $7,100 in Seattle To Capture Lead

SEATTLE, March 6.—"Huckleberry Finn," on a dual with "Dramatic School" at the Fifth Avenue, took $7,100. "Gunga Din" with "Inside Story," did $7,200 in the second week at the Paramount.

"Flirting With Fate" and "Mysterious Miss X" at the Palomar, with vaudeville, took $5,200. Weather was good.

Estimated takings for the week ending March 3:

"Jesse James" (20th-Fox)
BLUE MOUSE—(950) (30c-40c-55c) 7 days. 4th week, from Fifth Avenue. Gross: $3,400. (Average, $4,000)
"Huckleberry Finn" (M-G-M)
"Dramatic School" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,100. (Average, $7,000)
"Made for Each Other" (U. A.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. 4th week. Gross: $4,100. (Average, $5,000)
"Wings of the Navy" (W. B.)
"King of the Underworld" (W. B.)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,200. (Average, $6,000)
"Flirting with Fate" (M-G-M)
"Mysterious Miss X" (Repub.)
PALOMAR—(2,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Pepito. Gross: $5,200. (Average, $5,000)
"Gunga Din" (RKO)
"Inside Story" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. 2nd week. Gross: $7,200. (Average, $6,000)

Vera Scott on Program

Vera Scott, mezzo soprano, is replacing Rachel Carley on the "Manhattan "Merry-Go-Round," while the latter vacations for eight weeks. Lyons Toothpowder sponsors the program, through Blackett-Sample-Hummert.

Another Decision of F.C.C. Is Reversed

WASHINGTON, March 6. — The United States Court of Appeals today found another F. C. C. decision "arbitrary and capricious" and reversed its denial of a construction permit to the Courier-Post Publishing Co. for a 1,310-kilocycle station at Hannibal, Mo.

Remanding the case to the commission, the court held that the appellant sustained the burden of proving the public need for a local station in Hannibal, contrary to the commission's findings.

WOR to Broadcast All Dodgers Games

WOR has signed to broadcast the road and home games of the Brooklyn Dodgers, it will be announced this morning by the station. Socony Vacuum Co. and General Mills Corp. will sponsor the broadcasts jointly. The same sponsors signed some time ago to broadcast the home games only of the Yankees and the Giants.

Deal between the station, clients and the Dodgers club had been held up the past few weeks because of WOR's insistence that broadcasts of both home and road games be included in the contract. The station won its point yesterday and the contract was closed.

Contract becomes effective this Saturday with the beginning of the spring exhibition tour of the Dodgers. Highlights in the exhibition schedule are to be broadcast through the spring, followed by the full schedule of home and road games. Road games will be covered by wired accounts of the play. Red Barbour is to handle the mike.

SMPE Will Discuss Television at Meet

Society of Motion Picture Engineers will devote a complete evening session to discussion of the part that television will play in Hollywood, during the spring convention of the Society.

The final meeting of the convention, on April 21, will be completely dominated by television, with reading of papers on the subject by leading authorities from all sections of the country. Presiding at the television meeting will be Lorin Grignon, chief transmission engineer of Paramount.

Is Preview Commentator

COLORADO SPRINGS, March 6.—Vance Graham, radio commentator, has been appointed chief commentator of the Alexander Preview Co., organized to produce trailers. Graham was with KOA, Denver, for six years before joining Alexander Film Co. Last fall he went with KSFO, San Francisco and recently returned to Colorado.

Hormel to Have Show

George A. Hormel Co. has signed to sponsor an as yet unselected series over CBS starting April 3, Mondays, Wednesdays and Fridays from 11 to 11:15 A.M. The series will be broadcast over 21 stations, originating at KNX, Hollywood. Batten, Barton, Durstine & Osborn placed the business.

CBC Will Control Canada Television

Toronto, March 6.—Canadian Broadcasting Corp., through Chairman L. W. Brockington, has stated that broadcasting of televised programs in the Dominion will be only as a public utility under the control of the CBC.

Television is not yet feasible in Canada, he pointed out, because of the present short-range of transmitters and the high cost of the equipment, the expenditure involved for one vision station being in the neighborhood of $500,000. Encouragement is being given to television research but the CBC had taken steps to prevent the exploitation of the public.

Colman, Grant May Resume 'Circle' Roles

With Bob Colwell and Tiffany Thayer now in Hollywood supervising the writing of the scripts of the J. Walter Thompson-produced and Kellogg & Son-sponsored "The Circle," there is every prospect that Ronald Colman and Cary Grant will return to the program shortly according to agency word here. Both actors recently withdrew from the show, alleging that the material was not satisfactory to them.

Colwell and Thayer, the latter the well known novelist, are the agency's chief writers, and with the script now under their direction negotiations are under way to return Colman and Grant to the show.

Montana Stations Relieved on Libel

HELENA, Mont., March 6.—Governor Ayres has signed a bill which relieves radio broadcasting stations of liability for libel in connection with broadcasts of material over which they have no right of censorship.

New WOR Deals Set

National Pattern Co. has signed and Wesson Oil Co. renewed, Martha Dean on WOR, one year each. Other new business at WOR includes a year's renewal of the transcribed thrice weekly "Heart of Julia Blake" series by the Armstrong Packing Co., and a year's renewal of announcements for the Sheffield Farm Products Co.

Goodyear Renews Show

Goodyear Tire and Rubber Co., sponsoring the "Goodyear Farm and Radio News" on the Blue network, has renewed the program for 13 weeks, effective March 27. Arthur Kudner is the agency. Program is sponsored over a series of zones, and the renewal covers Zones 1 and 2.

Borden Placed on WHN

Batten, Barton, Durstine & Osborn, for the Borden Farm Products Co., has placed a spot schedule with WHN. Similar schedules with this station have been placed for Adam Hat Stores and Raydence, Inc.

Networks Will Air Pope's Coronation

Networks will stay on the air throughout the night to bring to listeners here a description of the ceremonies attending the coronation of Pope Pius XII on Sunday morning, March 12. The coronation ceremonies will begin at 3:30 A.M. and continue through 6:45 A.M. (9:30 A.M. to 12:45 P.M. Rome time.)

CBS, NBC and Mutual are now arranging for programs with which to fill the gap between the usual closing time and the beginning of the ceremonies from Rome.

Will Show Philco's Vision Sets Today

Philco's new portable home television receiver will be demonstrated at the Savoy Plaza Hotel today. Feature of the demonstration will be a beauty contest.

Today's demonstration stems from the recent tests of the Philco portable transmitter in Miami which, according to reports, reproduced images on the screen of the Philco receiver with excellent clarity and depth of tone. Philco will have ready in May a limited number of television receivers for the public in New York and Philadelphia, in which areas regular television broadcasts will be available this spring and summer. Later the sets will be sold in Milwaukee, Los Angeles and Schenectady, where television transmitters will be placed in regular operation at an early date.

Silvey Is Due Here For Listener Study

R. J. E. Silvey, head of the listener research of British Broadcasting Corp. is en route to the United States and Canada to study listener research methods in both countries. Here he will make a special study of the new research project being financed by the Rockefeller Foundation, and which is being carried out by Princeton University.

Transamerican Moving

Transamerican Broadcasting and Television Corp. has leased quarters larger than it now occupies and in April will be located in the Aeolian Building. A section of the studio space will be devoted to research and experiment in television programming.

Charles Smith to CBS

Charles H. Smith has joined the research division of CBS, coming from WQXR where he was engaged in similar work. Another new member of the CBS research staff is Ben H. Hollander.

New Star Program Ready

Star Radio Programs, Inc., has just released promotion on its latest feature "The Woman's Radio Journal," a new script show which starts March 13 on stations throughout the country.

BBC Executive Due

LONDON, March 6.—With the object of studying American television, Gerald Cock, B.B.C. television director, will visit New York shortly.

Banner LINES

TELEVISION, for understandable reasons, captures much more printed space than facsimile broadcasting, but there is little doubt that facsimile is far nearer public presentation than the video sci[illegible]. Much ado is being made of the [illegible] hours of television programming per *week* that RCA will attempt this spring and summer (for an audience that will be negligible), whereas little attention has been paid to the spectacular success that the St. Louis *Post-Dispatch* has made in facsimile.

The *Post-Dispatch* began the transmission of news and photographs by wireless less than three months ago, and today is broadcasting, without fuss or bother, a nine-page daily edition.

Each page of the *Post-Dispatch* radio paper is four standard newspaper columns wide. Three pages are devoted to regular news, one to sports and one to regular radio news; three are picture pages (regular half-tones) and the final page is a typewritten resume of the day's market reports and late news briefs. This amount of news, together with the picture pages, is transmitted in two hours and 15 minutes. On a recent test a picture was on the air 30 minutes after it had been taken.

▼

The *Post-Dispatch* facsimile station is one of the eight in the country experimenting in the science—locally we have WOR. All save the St. Louis station, however, are broadcasting on standard wave lengths, and as a consequence are restricted to broadcasting only from the time their regular radio broadcasting is done, usually shortly after midnight, until the hour the regular broadcasting day begins, usually about 6 A.M. Because the *Post-Dispatch* is using the facilities of its short-wave station, W9XZY, it can broadcast at any time of the day or night.

▼

From Vance King in Hollywood, we've just received word of what occurred when George Fisher tried a sneak broadcast of the recent Academy Awards presentations. The Academy bars broadcasts of the presentations—only once, in 1932, were they covered, by NBC. Fisher, film commentator for Don Lee-Mutual, sneaked into the radio control room at the Biltmore Hotel, and picked up Frank Capra's voice as he opened the session, broadcasting it over KHJ. NBC people, hearing the KHY emanation, excitedly called the hotel and protested. Academy folk and the hotel management, following NBC's call, rushed into the control room and pulled the chair from under the radio technician, successfully stifling the program. The Academy has sent a hot letter to Willett Brown, KHY manager, asking him to explain Fisher's attempt at the broadcast. Fisher, it is recalled, is the same commentator who "reported" on Mutual that the Duke of Windsor would be offered the post of "czar" of the motion picture industry.

—JACK BANNER

Name Thompson Agency

J. Walter Thompson's Australian branch has been appointed to handle all radio advertising for the clients of Lintas, Ltd., in the Commonwealth.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 45 NEW YORK, WEDNESDAY, MARCH 8, 1939 TEN CENTS

FCC Is Urged To Grant Long Term Permits

Elliott Roosevelt Offers Plan at Hearing

WASHINGTON, March 7.—As the F.C.C. started on the last lap of the network study today, Elliott Roosevelt, son of the President, urged legislation giving broadcasters permanent licenses, good so long as they operated in the public interest. Roosevelt, president of the Texas State Network, declared the present short-term licenses make it impossible for small stations to be developed since banks and other lending agencies will not give financial aid to concerns which might be forced out of business practically overnight. Financial stability, he said, will not be achieved until long term licenses are provided.

Charges "Loose Talk"

The situation is further aggravated by "loose talk" of trafficking in licenses, he said, declaring the F.C.C. should distinguish between persons obtaining licenses to construct a station with no idea of operating it and those who undertake broadcasting in good faith and later find it necessary or desirable to dispose of the station.

Accelerating the monopoly hearings, the F.C.C. today disclosed its intention of winding up the investigation of networks this week, in order that on March 14 it might receive testimony from interested organizations and individuals on what is wrong with broadcasting.

Among those slated to testify next week are the American Civil Liberties Union, the American Guild of Musical Artists, the C.I.O., Independent Radio Network Affiliates and the National Committee on Education by Radio.

Allied Working on Clearance Upstate

Adjustment of clearance in the Albany exchange zone will be made shortly, New York Allied has been advised, following complaints filed with the distributors. Allied recently appointed an Albany committee to investigate affiliated theatre protection over subsequents.

The Buffalo unit's grievance commitee is working on the protection situation in Buffalo and Rochester, and relief for independents is being asked. A special report on this will be given at a meeting in Buffalo next Monday.

3 Loew's Officers Exercise Options

Loew's yesterday reported to the N. Y. Stock Exchange that Louis B. Mayer, vice-president in charge of production, J. Robert Rubin, vice-president, and David Bernstein, treasurer, have exercised options for the purchase of 66,666 shares of common stock at $40 a share, a total of 22,222 shares each.

Pennsylvania Bills Provide for Three New Theatre Taxes

HARRISBURG, PA., March 7.—Bills proposing three new taxes on theatres have been introduced in the lower house of the legislature. One is a revival of the admissions tax and the other two affect Bank Night. Assemblyman Edwin Winner, chairman of the ways and means committee, has introduced a bill to revive a one cent tax on each 25 cents, or fractional portion thereof, of admissions for amusements. A similar law, in force for two years until repealed as of June 1, 1937, yielded between $7,000,000 and $8,000,000. The bill requires a report of admissions before the 10th of each month for the preceding month's receipts. Penalties range from $100 to $1,000. Taxes would be applied to unemployment relief.

Assemblyman Ruben E. Cohen has proposed a tax of 15 per cent of the prize money for Bank Night in theatres. Assemblyman Samuel M. Rosenfield has introduced a bill requiring a $100 fee for Bank Night in theatres and a $15 fee for churches, clubs and lodges.

Fan Magazine Evils Hit at Coast Lunch

HOLLYWOOD, March 7.—Recent abuse of studio courtesy by fan magazine writers and photographers, resulting in the publication of misleading material detrimental to motion pictures and personalities, was cited as a reason for tightening restrictions on press correspondents by publicity directors in all Hollywood studios at a luncheon conference at Association of Motion Pictures Producers headquarters this noon. Kyle Palmer, chairman of the AMPPA public relations committee, addressed the gathering on the importance of maintaining a proper relationship with the public.

PRODUCERS TO GIVE SWG NEW CONTRACT

Pact to Go in Effect Despite Allied's Stand

Industry's trade practice program will be put into effect regardless of the attitude of Allied States or any other exhibitor organization.

The program may be presented this week by the distributors' drafting committee of lawyers, who received the completed draft from the sales managers' committee last week.

Terms of the concessions to be offered to exhibitors are set. The only change that may be made after the program is submitted to exhibitor groups is in terminology. The distributors do not propose to make any further concessions.

Some of the final terms, such as cancellation and arbitration, will be incorporated in the 1939-'40 contracts.

Study License Agreements

A study of license agreements now in use has been begun by home office legal departments with a view to simplifying and shortening the contract form.

The move is being undertaken as part of the industry trade practice program now nearing its completion. The demand for a simple and concise form of license agreement was included in the trade practice suggestions of the M.P.T.O.A. and unaffiliated regional exhibitor groups last fall.

It is understood that all large distribution companies have agreed to

(*Continued on page 4*)

Republic Abandons Plan for Air Show

HOLLYWOOD, March 7.—With the arrival today of James R. Grainger, Republic president, at the studio to join Herbert J. Yates, who arrived yesterday, it was made known that the company definitely has dropped its plans to produce a radio program.

The expressed opposition of exhibitors to the appearance of film players on radio programs was indicated as the reason behind the decision to abandon consideration of the air show idea. The program had been proposed by CBS, with no sponsor designated.

Surprise Offer Comes as N.L.R.B. Hearing Opens on Coast

HOLLYWOOD, March 7.—In a move which caught the Screen Writers' Guild by surprise, major producer attorneys today agreed at a hearing before the N.L.R.B. trial examiner to recognize the S.W.G. as an exclusive bargaining agency for film writers and to negotiate "to the best of its ability" a basic contract.

As the hearing of N.L.R.B. charges of Wagner Act violation opened before Examiner James C. Batten, Homer Mitchell, attorney, delegated by producer counsel as spokesman, placed the producers on record as desirous of having harmonious relations with talent, as recognizing the S.W.G. as an exclusive bargaining agency for all film writers, and as asking for opportunity to work out an agreement with the Guild.

Committee Is Named

Mitchell named as a producer attorney committee willing to meet with writer representatives: Mendel Silberberg, George Cohen, Alfred Wright and himself.

In addition, he disclosed for the first time that the producers last night appointed Darryl F. Zanuck, E. J. Mannix and Hal B. Wallis as a pro-

(*Continued on page 4*)

Justice Department Waits Dakota Report

WASHINGTON, March 7.—Preliminary reports on the enactment and repeal of the North Dakota divorcement law have been received but the final report has not been submitted and is not expected for some time, it was learned today at the Department of Justice.

Department officials said also that investigation of the Los Angeles situation is still going on and a report is not expected for a considerable period.

No intimation was given as to the use to be made of the report on the North Dakota incident, when received, but it was suggested the material therein might be found of value in connection with suits which might be brought against the motion picture industry, several of which are understood to be under consideration.

Warner's Refunding Plan Filed with SEC

WASHINGTON, March 7.—Warners will mortgage its studio and theatre properties for the $6,000,000 loan it has arranged from three banks to complete its $29,400,000 debenture refunding. This is disclosed in a statement filed with the Securities & Exchange Commission.

As security, Warners will pledge all of the assets of the Stanley Co., New England Theatres and First Theatre Corp. and, when the borrowing reaches $3,000,000, will give a mortgage on the Burbank studio.

The agreement under which this arrangement is to be carried out will run until Sept. 1. The loan matures in varying amounts each six months beginning April 1, 1940, and ending April 1, 1944, if the maximum credit is borrowed. The money is to be furnished by the New York Trust Co., Guaranty Trust Co. of New York and the Continental Illinois National Bank & Trust Co. of Chicago.

Filing of the plan was merely for the purpose of keeping the S.E.C. informed of the company's operations and does not require S.E.C. approval, it was said.

T. B. Noble Honored

OKLAHOMA CITY, March 7.—Business associates of T. B. Noble, Jr., president of State Theatres, Inc., operating the State and Pix here, presented Noble with motion picture camera and a projection machine, marking his second year as State Theatres head.

Lab Talks Continue

Laboratory Technicians' Union, Local 702, has started negotiations with Producers' Laboratories and Mecca Film Laboratories in addition to negotiations now pending with Consolidated and DeLuxe laboratories. Meeting with Consolidated is set for today.

B & K Sets Dividend

CHICAGO, March 7.—Balaban & Katz declared a dividend of 50 cents a share on common voting trust certificates, payable March 31 to holders of record March 15. This is the first disbursement since a dividend of $4 on Dec. 14, 1937.

YOU CAN BE IN
LOS ANGELES
TOMORROW MORNING
VIA
Flagship Skysleeper
★ Fly the only Southern Sunshine Route—favored by nature. No change of planes. Delicious, complimentary meals. Fare: $149.95; 10% saving on round trips.
The MERCURY — Lv.....5:10 p.m. Ar.....8:49 a.m.
The SOUTHERNER — Lv.....10:45 p.m. Ar.....3:22 p.m.
FOR RESERVATIONS
Call your travel agent or VAnderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave. and Rockefeller Center, 18 W. 49th St.
AMERICAN AIRLINES Inc.
THE AMERICAN STANDARD OF SERVICE

Purely Personal

DON AMECHE arrives here tomorrow from the coast for a two-week vacation, going to Boston March 10 for the celebration of the anniversary of the telephone. He has just finished "The Story of Alexander Graham Bell" for 20th Century-Fox.

•

NATE SANDLER, independent theatre operator in Des Moines, and L. A. WASSON, publicity head for Central States Theatres, have returned from a three-week California vacation.

•

DOROTHY LAMOUR is due tomorrow from the coast for a month, including a two-week personal appearance at the Paramount, starting March 22.

•

MARGARET RAWLINGS and GODFREY TEARLE arrive today on the *Paris*. They are principals in "The Flashing Stream" which will open on Broadway.

•

EDGAR BERGEN and "CHARLIE MCCARTHY," arrive in New York tomorrow from the coast, accompanied by the entire cast of his radio program.

•

RUTH SCHWERIN of the Monogram publicity staff is at home recuperating after having been at the French Hospital.

•

ZANE GREY, author, will appear in the forthcoming "Fisherman's Pluck," Paramount short concerning trout fishing.

•

T. K. STEVENSON, president of Erpi, is due from England on the *Queen Mary* tomorrow.

•

MARTIN G. SMITH, president of the I.T.O. of Ohio, is due this week from Toledo.

JOHN W. HICKS, Paramount foreign manager, is scheduled to sail from England next week after two and one-half months abroad.

•

JOSEPH P. KENNEDY, Ambassador to Great Britain, has been designated by PRESIDENT ROOSEVELT to represent him at the coronation of Pope Pius XII in Rome next Sunday.

•

W. A. SCULLY, Universal general sales manager; F. J. A. MCCARTHY and W. J. HEINEMAN are expected back from the coast this weekend.

•

BERT LAHR has arrived from the coast after having finished work in the M-G-M film, "The Wizard of Oz." He will be here a week, then return to the coast.

•

ART SCHMIDT of Loew's publicity is on a two-week field trip contacting circuit managers and newspapers.

•

MR. and MRS. EDWIN L. WEISL have returned from Florida.

•

MR. and MRS. EARLE HOLDEN of Atlanta announce the birth of a daughter, LINDA LEE.

•

HUMPHREY BOGART has returned to the Warner studio from Oklahoma City.

•

WALLACE BEERY, in town from the coast, is at the Waldorf-Astoria.

•

LENOX R. LOHR, president of NBC, is visiting in Hollywood from San Francisco.

Herbel Will Succeed Lohrenz in Chicago

Henry Herbel, San Francisco branch manager for Warners, is slated to succeed Rud Lohrenz as midwest district manager with headquarters in Chicago. Lohrenz will be promoted to a larger district and will have headquarters in Kansas City.

The transfers are scheduled to take place after the sales convention here next week.

Albany Bill Aims to Curb Discrimination

ALBANY, March 7.—Under a measure sponsored by Assemblyman William J. Butler, persons claiming they had been discriminated against in theatres, hotels and the like would have the power to file civil action. Butler, who is author of the measure to clarify the legal admission law, seeks to add a new section to the civil rights law to achieve his end.

The Newsreel Parade

Congress celebrating its 150th *anniversary in Washington, Mrs. Roosevelt christening the Yankee Clipper and the launching of a new battleship in England constitute the major news coverage in the latest issues of the newsreels. The reels and their contents follow:*

MOVIETONE NEWS, No. 51—Congress celebrates birthday. Franco reviews fleet. British warship launched. Girls travel in rickshaws. Coeds with Vice-President Garner. Mrs. Roosevelt christens clipper. Cards in training. Widener cup race. Santa Anita handicap.

NEWS OF THE DAY, No. 249—Roosevelt and Hughes talk to Congress. Pacelli elected Pope. Franco enters Barcelona. Britain launches newest battleship. Mrs. Roosevelt christens new clipper. Cunningham wins two-mile title. Santa Anita handicap.

PARAMOUNT NEWS, No. 62—Yankee Clipper is christened. Hotel fire in Halifax. Coeds on educational trip. Plane designer dies in crash. Netherlands royalty enjoying vacation. Roosevelt and Justice Hughes address Congress. Baseball players in training. Cunningham wins two-mile race. Stagehand loses Widener handicap.

RKO PATHE NEWS, No. 66—Roosevelt and Hughes at Congress anniversary. Franco reviews troops. Rickshaw race. Cunningham beats Don Lash. Clipper christened by Mrs. Roosevelt. Santa Anita and Widener races. Dodgers in spring training.

UNIVERSAL NEWSREEL, No. 751—Anniversary of Congress. Battleship launched in England. Ghandi on hunger strike. Yankee Clipper christened. Fire destroys Halifax hotel. Easter hat styles. Iceboating. Rickshaw races. Santa Anita derby. Cards prepare for coming season.

'Never Say Die' Will Open at Para. Today

"Never Say Die" will open today at Paramount. "Spirit of Culver" bows in at the Rivoli. "The Saint Strikes Back" at the Rialto, and "Fast and Loose" at the Criterion. Tomorrow, "Let Freedom Ring" goes into the Capitol and Friday's openings are "Little Princess" at the Roxy and "The Oklahoma Kid" at the Strand.

"Love Affair" will follow "Stagecoach" which is being held over at the Music Hall. French version of "Snow White and the Seven Dwarfs" will have its American premiere at the Waldorf April 8. Following a 26-week run for "Grand Illusion," the Filmarte will get "Crossroads" next Tuesday.

Second week of "Cafe Society" grossed an estimated $38,000 at the Paramount. Last 11 days of "You Can't Cheat an Honest Man" attracted an estimated $16,000 at the Rivoli.

'Dodge City' Into 300 Spots On April 8

"Dodge City," Warners' color special, will be given a day and date release on the Easter weekend, April 8, in 300 cities. This was decided yesterday by company executives after the film was screened.

It had been originally planned to release the film late in April, but the executives determined that it should be a holiday attraction instead. S. Charles Einfeld, director of advertising and publicity, is planning a big campaign.

World premiere will be held in Dodge City, Kan., on March 27, in the nature of a civic event.

Kent and Wobber in Hollywood for Talks

HOLLYWOOD, March 7.—Sidney R. Kent, president of 20th Century-Fox, and Herman Wobber, general sales manager, arrived at the studio today for several days of conferences with Joseph M. Schenck, board chairman, and Darryl F. Zanuck, vice-president in charge of production.

The group of executives will discuss new season's product and sales plans for the new season.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.: Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

HOLLYWOOD PREVIEW VERDICT—A THRILLING "GREAT ZIEGFELD" ON ICE!



FOR YOU · · MARCH 10!

ICE FOLLIES OF 1939

starring

JOAN CRAWFORD

with

JAMES STEWART

LEW AYRES
LEWIS STONE

and "THE INTERNATIONAL ICE FOLLIES" IN TECHNICOLOR

with Bess Ehrhardt • Roy Shipstad • Eddie Shipstad and Oscar Johnson • Screen Play by Leonard Praskins, Florence Ryerson and Edgar Allan Woolf • A Metro-Goldwyn-Mayer Picture

Directed by Reinhold Schunzel Produced by Harry Rapf

Producers Reach An Agreement with Writers on Pact

(*Continued from page* 1)

ducer committee willing to negotiate with writers.

After a conference between Bernard Alpert, special N.L.R.B. attorney handling the Board's case, Leonard Janofsky, attorney for the S.W.G., and Mitchell and other producer attorneys, it was agreed that two weeks' time was needed to negotiate conditions of the contract.

At the close of arguments, Examiner Batten recessed the hearing until tomorrow morning at which time he said he would "set a time, place and conditions" of negotiations between the S.W.G. and producers.

The S.W.G. issued the following statement at the end of the day: "We are very glad in the interests of peace and harmony in the industry to grant this short recess. We hope, however, that we shall not once again be disappointed as to the producers' desire to grant us in reality an exclusive bargaining right to which we are entitled under provisions of the Wagner Act."

Directors' Guild Accord

HOLLYWOOD, March 7.—Members of the Association of Motion Picture Producers early today approved virtually all details of the bargaining agreement with the Screen Directors' Guild.

Joseph M. Schenck, president of the A.M.P.P., stated, following the session: "With a few exceptions which we believe can be readily adjusted, the producers and screen directors are in accord."

Results of the discussion will be presented by the producer representatives to the guild's negotiating committee, headed by Frank Capra. Schenck appointed Al Lichtman to replace E. J. Mannix on the producer committee because of the illness of the latter. Other producer representatives are Y. Frank Freeman and Pandro S. Berman.

C. E. A. Protesting Increase in Quota

LONDON, March 7.—Cinematograph Exhibitors' Association, in a statement on the quota as presented to the Films Council, opposes quota increases. The organization admitted the distributors have made a genuine endeavor to produce quality films, and lamented the complete absence of independent production.

The association insists there is a necessity for extra films produced independently, and foresees a decrease in imports certain to follow increased quotas. The statement hints at the possible need to ask the Films Council to retain the present exhibitor quota of 15 per cent.

Si Seadler at Studio

HOLLYWOOD, March 7.—Si Seadler, advertising manager for M-G-M, has arrived at the studio during his regular vacation trip west for an annual inspection of product and executives conferences which are expected to continue the rest of the week.

In Mexico, Too!

Mexico City, March 7.—A personal tax the Mexican government has enacted has the film industry agog. It is an income levy of five per cent that must be paid by everybody who makes money from the exploitation of pictures. Mexican producers have asked for a repeal of the tax, which they assert is "ruinous."

Jewel Games Case Set for Jury Trial

Test case on chance games involving the Jewel Theatre, Harlem, will go before a grand jury and if indictments are voted the hearing will be before a jury in General Sessions.

Judge Morris Koenig in Special Sessions yesterday transferred the case from his jurisdiction to General Sessions, as requested by Harry G. Kosch, attorney for the defendants. License Commissioner Paul Moss had opposed the transfer and sought a trial by a three-judge court.

Kosch, who is also counsel for New York Allied, contended that the case involves valuable property rights, that the decision would be far-reaching in its effect and that exceptional circumstances of public interest are affected. The case is expected to determine the legality of chance games in New York and is said to be the first of its kind to go before a jury here.

Premiums of Ticket Broker Are Reduced

Average ticket brokers' premiums has been reduced from $1.25 to 50 and 75 cents, William Deutsch, of the Associated Theatre Ticket Agency, testified before Referee Morris Cooper, Jr., yesterday. Referee Cooper is conducting hearings on the suit of Acme Ticket Agency to enjoin enforcement of the ticket brokers' code.

James F. Reilly, executive secretary of the League of N. Y. Theatres, was the principal witness. He testified that his organization had received $11,942 from the 3½ cents tax on each ticket. Since the code went into effect ticket sales reported varied between 10,000 and 25,000 weekly.

Delay Chicago Suit Hearing to April 18

CHICAGO, March 7.—Hearing in the anti-trust action of local independent theatre operators against Balaban & Katz and major distributors, scheduled for today, was postponed until April 18 by Federal Judge Wilkerson. The postponement was at the request of both parties involved.

Hamilton Dividend

TORONTO, March 7. — Hamilton United Theatres, Ltd., has declared a dividend of $1.50 a share on seven per cent preferred stock on account of accumulations, payable March 31 to holders of record on March 15.

Belmont to Legitimate

Belmont, in Manhattan, former legitimate house until recent years, when films were installed, will return to legitimate fare March 16 with "Please, Mr. Garibaldi."

Para. Will Release 3 Pommer Pictures

LONDON, March 7.—Erich Pommer disclosed today that Mayflower Productions, in which he is associated with Charles Laughton, have completed "St. Martin's Lane" and "Jamaica Inn," and will start "The Admirable Crichton" in June.

All three will be released throughout the world, with the exception of Great Britain, by Paramount, and all will count for the Paramount quota under the reciprocity clauses of the Films Act. With the exception of M-G-M's release of "Pygmalion" they are the only British films thus acquired so far. Paramount this year distributed "The Beachcomber," a Mayflower picture.

Budd Rogers, general manager in the United States for Mayflower, leaves tomorrow on the *Ile de France,* after conferences and will arrive in New York on March 14. He is bringing with him a print of "St. Martin's Lane." Associated British will continue to distribute the Mayflower product in Great Britain.

'Honest Man' Smash $13,200 for Buffalo

BUFFALO, March 7.—"You Can't Cheat an Honest Man" earned a smash $13,200 for the Lafayette. "Pygmalion," at the Hippodrome, ran a fine second at $12,900.

"Jesse James" came back to the Century and grossed $7,700.

Estimated takings for the week ending March 4:

"Huckleberry Finn" (M-G-M)
BUFFALO—(3,000) (30c-55c), 7 days. Gross: $11,800. (Average, $12,000)
"Wings of the Navy" (W. B.)
GREAT LAKES—(3,000) (30c-50c), 7 days. Gross: $6,400. (Average, $7,500)
"Pygmalion" (M-G-M)
HIPPODROME—(2,500) (25c-40c), 7 days. Gross: $12,900. (Average, $6,800)
"Jesse James" (20th-Fox)
CENTURY—(3,000) (25c), 7 days. Gross: $7,700. (Average, $6,000)
"You Can't Cheat an Honest Man" (Univ.)
LAFAYETTE—(3,300) (25c), 7 days. Gross: $13,200. (Average, $6,300)

Leaves for Alaska With 130 Features

SEATTLE, March 7.—Harold W. Griffin, operator of the Dillingham at Dillingham, Alaska, has left here with a two-year supply of films (130 full length features).

Dillingham, largest village in the Bristol Bay region, has a nightly show for its 1,200 summer population, and a weekly show for the 200 residents who remain in the village during the winter months. In addition to being the only exhibitor in the region, Griffin trades in general merchandise, furs and licensed liquors.

Movie Quiz Agency Sued for $100,000

Claiming to have conceived the idea of the Movie Quiz, Edward J. Pfeifer yesterday filed a $100,000 damage suit in the N. Y. Supreme Court against Donahue & Coe, Inc., agency that handled the advertising for the Quiz, and Edward J. Churchill, its president.

Donahue & Coe, according to the filed complaint, received the idea from the plaintiff in June, 1938, and then disclosed it to several major producers. The plaintiff declared the defendant received over $1,000,000 in advertising business.

U.M.P.T.O. Survey On Lower Taxes for Philadelphia Houses

PHILADELPHIA, March 7.—A survey by the U.M.P.T.O. may bring about reduced real estate assessments on Philadelphia theatres. The organization also plans to engage publicity men to aid members whose theatres need promotion or in assisting in putting over product.

The board of managers will hold a luncheon meeting at the Bellevue-Stratford Hotel on Thursday. Analysis of current and future product, sales terms, modification of clearance and other matters are on the agenda.

A clarification of Federal and state court decisions as affecting theatres in this territory is being prepared and will be made available to members. The organization's program also includes a campaign urging members to maintain contact with their representatives in the state legislature and Congress on legislation and to become active in the local Chambers of Commerce and other community groups.

U.M.P.T.O. is cooperating in the United Campaign, with members running trailers and making pledges.

Pact to Go in Effect Despite Allied Stand

(*Continued from page* 1)

the shortening and simplification of their exhibition contracts providing acceptable means of making the desired changes are found. This work has been assigned to company attorneys who are now engaged in a search for means of eliminating excess verbiage while retaining the full force of the contractual terms.

To Retain Essentials

Changes in the contracts depend entirely on the outcome of the attorneys' study, according to company officials. Essential parts of the contracts will not be sacrificed, naturally, but if simplification can be achieved otherwise all companies stand ready to approve the shorter forms.

The view of Allied officials that the proposed program does not represent the remedy for all exhibitor-distributor problems and the statement of Col. H. A. Cole, president, that his organization is "indifferent" whether a program is adopted or not will have no bearing on the distributors' intention to make the program effective.

When Abram F. Myers, Allied general counsel, will meet with the drafting committees is indefinite. Myers may not meet with the committee until after the return of W. F. Rodgers, M-G-M general sales manager and chairman of the working committee, who is in California.

Branson Off Tomorrow

Walter Branson, captain of RKO's George Schaefer Drive forces, will leave tomorrow on his second tour of exchanges in the U. S. and Canada. Harry Michalson will accompany him on the visit to 38 branch offices.

Omaha Passes 'Darling'

OMAHA, March 7.—A cut version of "Yes, My Darling Daughter" has been approved by the City Welfare Board here after it was banned in its original form last week.

THREE NEW STARS

EASTMAN'S new motion picture negative films . . . general-purpose *Plus-X*, high-speed *Super-XX*, ultra-fine-grain *Background-X* . . . add highly dependable performance to extraordinary special abilities. Their instant acceptance and constantly wider use by the industry mark them as today's outstanding raw-film stars. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN *Plus-X* . . . *Super-XX* . . . *Background-X*

Reviewing the Latest in Short Subjects

"A Small Town Idol"
(*Vitaphone*)

Included in this reissued comedy are such old favorites as Ben Turpin, Phyllis Haver, Ramon Novarro, Charlie Murray, Louise Fazenda, Andy Clyde, and the Mack Sennett Beauties. Turpin is the home boy soon to wed the town's belle. But the villain leads the town's folk to believe he is to marry a screen star and the victim is ostracized. Turpin invades Hollywood, becomes a screen hero, and returns home, only to be victimized again. Turpin finally is vindicated. The short should be appreciated by any audience. Running time, 20 mins. "G."*

"The Champagne Music of Lawrence Welk"
(*Paramount*)

Lawrence Welk makes his screen debut in the latest of the Headliner series. In a night club setting and smartly introduced, the musical features Lois Best and Parnell Grina singing popular tunes with Welk playing the accordeon. A sequence of "When Paw Was Courtin' Maw" is superior to the usual short musical routine. Running time, 10 mins. "G."*

"Stranger Than Fiction, No. 59"
(*Universal*)

Here is a nicely arranged array of oddities—the substance of which, however, is slightly under par. The reel is comprised of: Wood, lighter than cork; Charlie the Mystic, a strange person with strange ideals; music used to speed peach picking; a miniature railroad; a playhouse erected to fulfill a promise made to a deceased daughter; a pipe that filters practically all nicotine; and a frame of an old airplane used to stir up air for protection of trees. Running time, 9 mins. "G."*

"Porky's Movie Mystery"
(*Vitaphone*)

After a series of crimes committed in a Hollywood studio by the invisible phantom, Porky, as Mr. Moto, is called in. From a deserted island comes the famed detective and after much ado the villain is captured. The insertion of appropriate action sequences from feature pictures adds to the enjoyment. Running time, 7 mins. "G."*

"Mechanix Illustrated, No. 3"
(*Vitaphone*)

This subject reveals the precision necessary in various trades. Subject matter includes the making of shotgun shells—from the raw metal to the finished product, and a group of sharpshooters displaying their skill; making artificial flowers, a tedious occupation; and the process of making gold leaf used for decorating purposes. Director Ira Genet is to be commended for this, a fine contribution to the short subject field. Running time, 10 mins. "G"*

"Bank Notes"
(*Universal*)

Theatre Night in a bank is the theme for this Mentone musical. Gus Van, head of the bank, acts as master of ceremonies. The revue is comprised of: Minor and Root, dancers; the Three Wiles, a novelty dance routine; the Barton Harp Quintet, harpists; Bernice Parks, popular singer; Ruth Daye, tap dancer; and the Five Ames Sisters, acrobatic dancers. Van's singing and quipping add zest to the short. Running time, 19 mins. "G."*

"The Sporting Irish"
(*Paramount*)

This, the newest of the Sportlight series, shows ancient sports and pastimes of Ireland which have aroused national interest. Ted Husing's narration is concise and amusing. Sports in the reel include horse-jumping by cavalry; hurling, similar to ice hockey as played in this country, and street bowling. Running time, 10 mins. "G."*

"Always Kickin'"
(*Fleischer-Paramount*)

Hunky and Spunky, the donkey team, appear in another color cartoon, Hunky attempts to teach Spunky how to kick with his hind legs. Spunky wanders off, however, and tries to make friends with a flock of birds by singing, making a nest and trying to fly. Later, he endears himself by kicking a vulture and makes friends with the birds. It is fair. Running time, 7 mins. "G."*

"Snow Falls"
(*RKO Pathe*)

Skiing, a timely subject featured in this Sportscope, is followed from the awkwardness of the novice to the grace of the expert. The spills of the former and the consistency of the latter are amusing and entertaining, respectively. Running time, 10 mins. "G."*

"Paramount Pictorial, No. P8-8"
(*Paramount*)

The process of making gold leaf is shown, described by Alois Havrilla. From the original gold bar, thousands of the leaves are produced, entirely by hand. The obstacles which confront the herder as he drives his sheep to pastures provided by the Government, over the Great Divide, complete the short in interesting fashion. Running time, 10 mins. "G."*

"North Sea"
(*Lenauer International*)

This subject is something of a novelty in that it has been done by nonprofessionals and is a reenactment of an actual mishap to a Scotch fishing vessel in the North Sea. Crippled by a storm and with its radio swept away, the vessel was at the mercy of the seas for 48 hours, at the end of which time its crew succeeded in completing repairs on its engines and radio at the very moment that it is found by a rescue ship. It is more noteworthy pictorially than for its story. The picture was produced in England by Alberto Cavalcanti. Running time, 24 mins. "G."*

'Robin Hood Makes Good'
(*Vitaphone*)

This Merry Melody in color concerns three squirrels who decide to enact the adventures of Robin Hood. The smallest of the three is appointed the villain of the story and is maltreated by the others. At that point the big red fox appears. The little squirrel saves the day. The short is average animated cartoon fare. Running time, 7 mins. "G."*

"Going Places, No. 60"
(*Universal*)

The "Tweetsie," classified as one of the world's most unusual railroads, is featured in this subject. The train's 68-mile daily jaunt and the service rendered to hillfolk along the route will be enjoyed. Steel, in various forms of ancient armor, as exhibited in a steel plant, completes the reel. Running time, 9 mins. "G."*

"High Peril"
(*Vitaphone*)

In this, the newest of the "Your True Adventure" series, Floyd Gibbons narrates the tale of a young steeplejack assigned to repair a damaged smokestack. While on a high scaffold the lad is sunstruck, causing temporary insanity endangering himself and his fellow workers. The lad is finally overtaken by the author of the story. Suspense is strong throughout the short. It is above average. Running time, 12 mins. "G."*

"Blue Grass"
(*RKO Pathe*)

Thoroughbred race horses are raised, broken in and finally trained in this Sportscope. A War Admiral-Seabiscuit match race, described by Clem McCarthy, is full of suspense and exciting. Man o'War is shown as he relaxes "on the farm." Running time, 10 mins. "G."*

"Circus Co-ed"
(*Paramount*)

A school for the training of young girl circus performers is the subject of this Paramount Paragraphic. Methods of teaching and the results obtained by the faculty of the unusual school constitute a good short. Bud Hulick narrated. Running time, 10 mins. "G."

"Going Places, No. 59"
(*Universal*)

Indian lore and craftsmanship which have long since passed into oblivion is the lead subject of this issue. Boiling bark, basket weaving and the making of false faces are shown in a unique manner; the audience is taken to Egypt. A religious ceremony, art and architecture of ancient Egypt and an Egyptian shrine are included. Graham McNamee, narrated. Running time, 9 mins. "G."*

"Stranger Than Fiction, No. 60"
(*Universal*)

A good selection of strange facts is found in this short. Feminine mail carrier covers a seven-mile route twice daily. An architect molding animals and other statues from cement. A privileged cat has his own walk from house to yard. A man pulls a car with a piece of wood gripped between his shoulder blades. Running time, 9 mins. "G."*

"That's Africa"
(*Paramount*)

A journey across the vast desert areas of Africa, this short is interesting. Margaret and Lawrence Thaw travel across the Sahara and witness the strange customs of the natives, including a primitive dance, symbolic of appreciation of the gifts tendered to a tribe by the travelers. Running time, 10 mins. "G."*

"The Magic Bean"
(*Universal*)

Here is a new version of the Jack and the Beanstalk fable which doubtless will please the younger element. Baby mouse plants the bean, climbs the stalk and encounters Giant mouse. The cartoon ends in a motion picture studio where the story is being "shot." Running time, 7 mins. "G."*

"Russ Morgan and His Orchestra"
(*Vitaphone*)

Russ Morgan's rendition of popular songs with Gloria Whitney and Carolyn Clarke vocalizing are featured. The Paradise Girls dance a specialty number with the maestro at the piano. Morgan and Miss Whitney and Miss Clarke perform in a likeable manner. Running time, 10 mins. "G."*

"Pilot Boat"
(*RKO Pathe*)

Government boats patrolling New York's spacious harbor, as pictured in this Reelism, should hold special interest for the masculine audience. The manner in which huge liners are guided into port makes for interesting material. Running time, 10 mins. "G."*

"Gold"
(*RKO Pathe*)

Mining of the precious metal by the prospector of a century ago is compared with the commercial enterprise which gold mining is today. The Sierra Nevada mountains in the background of each sequence add to the photographic value of the short, filmed in sepia. Running time, 10 mins. "G."*

"Bow Strings"
(*RKO Pathe*)

In this Sportscope, champion archers display their skill with smooth execution. A golfer vs. archer match, a unique sporting venture, in addition to a series of seemingly impossible shots should be enjoyed. Running time, 10 mins. "G."*

*"G" denotes general classification.

Gift of Monogram Options Reported

WASHINGTON, March 7.—Acquisition by gift of 16,629 options for Monogram Pictures common by Trem Carr, Hollywood director, and 16,629 options by Scott R. Dunlap, Hollywood officer, and disposition by gift of 11,328 options by Sol A. Rosenblatt, New York director, have been reported by the Securities and Exchange Commission in a summary of January transactions.

In addition to the options obtained by gift, the report showed, Carr acquired 6,194 by purchase, giving him a total of 22,823, and Dunlap acquired a similar number, giving him a total of 22,823. The transaction reported by Rosenblatt wiped out his holdings of options, but he still held 1,000 shares of Monogram common. The only other transaction reported for the company was the acquisition of 274 options by Madeline S. White, New York officer.

The S. E. C. summary also showed acquisition of 100 shares of Loew's common by Henry R. Winthrop, New York director, and the sale of another 1,000 shares of 20th Century-Fox common by the Chase National Bank, reducing its holdings to 221,158 shares.

Reports received on Trans-Lux Corp., showed the acquisition of 300 shares of common by Percival E. Furber, New York officer, giving him a total of 1,500 shares, and 500 shares by Leslie E. Thompson, New York director, making his holdings 3,500 shares.

Acquisition of 2,000 shares of Warner Brothers common was reported by Jack L. Warner, who held, at the close of January, 90,060 shares of common, 14,884 shares of preferred and 1,183,000 six per cent debentures.

Buying Pool Formed Of 32 Ohio Theatres

COLUMBUS, March 7.—Product buying pool has been started here with the formation of Theatre Service, Inc., a non-profit Ohio corporation. Nine exhibitors, operating 32 houses in four Ohio cities, formed the pool. Temporary headquarters are in the Grand Theatre Building, Columbus.

Virgil A. Jackson has been elected president, F. W. Rowlands, vice-president, Max Stearn, secretary-treasurer, W. C. Chesbrough, C. A. MacDonald, Jackson, Rowlands and Stearn, trustees. The owners and the houses involved are Chesbrough, who operates the Alhambra, Champion, Drexel, Empress, Garden, Grandview, Hudson, Northern, Piccadilly, Pythian and Victor of Columbus, the Classic, Mecca and Salem of Dayton; MacDonald, who operates the Arlington, Cleve, Southland, Thurmania and Westmont of Columbus and the Ada of Ada; Jackson, who operates the Goodale, Uptown and Wilmar of Columbus, and the Avon of Cincinnati; Rowlands, who operates the Columbia, Main and Parsons of Columbus.

Also included are Stearn, operator of the Southern, Columbus; Frank Ferguson of the Avondale, Columbus; Al Taylor of the Dixie, Columbus; Lee J. Hofheimer of the Indianola, Columbus, and W. C. Pullin of the Linden, Columbus.

Theatre Changes

REOPEN IN BRONX

Dale, West 233rd St., Bronx, has been reopened by the Cocalis circuit.

DEMOLISH CIRCLE

Circle, 1825 Broadway, closed for several years, is being demolished.

CONTINENTAL TO OPEN

Continental, 1664 Broadway, is expected to reopen April 8.

REOPEN IN MT. VERNON

Operating on a weekend schedule, the Plaza, Mt. Vernon, N. Y., has reopened.

SET BROOKLYN HOUSE

Randforce Amusement Corp. (Samuel Rinzler & Louis Frisch) will open a new house at 595 Clinton St., Brooklyn, when construction is completed.

OPEN IN GOSHEN

Neiholdt Bros. have opened a new house, the Goshen, in Goshen, N. Y.

NAVARRE TO OPEN

After alterations have been completed, the Navarre, Brooklyn, will reopen.

RENAME ROOSEVELT

Roosevelt, Roosevelt, L. I., has been renamed the Nassau.

HIGHLAND CLOSED

The Highland Auditorium, Highland, N. J., has been closed.

PURCHASE THEATRE

I. T. Berg and Charles Friedman have purchased the stock of 954 Marcy Corp., operator of the Art, Brooklyn, from Harry Kutinsky and Morris Block.

INTERSTATE TO BUILD

CANTON, O., March 7.—Interstate Theatres, Inc., and Mrs. Mena Fliesh-man have purchased a site at Woodsfield, O., for a new theatre.

REOPENS IN IOWA

EDDYVILLE, Ia., March 7.—F. C. Mooney of Ollie, Ia., has reopened the Bonzo. The theatre had been closed for some time.

REOPEN IN KANSAS

JOHNSON, Kan., March 7.—Liberty here, which has been closed for six months, has been reopened by P. D. Hogue.

MIDWEST TAKES HOUSE

KANSAS CITY, March 7.—Fox Midwest Theatres has assumed operation of the Ismo, Coffeyville, Kan., where it also operates the Tackett and the Midland. The Ismo had been operated by the Moran & Iseley circuit of Oklahoma City.

BUILD IN FLORIDA

TARPON SPRINGS, Fla., March 7.—Work is to begin at once on an 800-seat theatre, in the Taylor Arcade Building.

BUYS IN OKLAHOMA

MAYSVILLE, Okla., March 7.—C. S. Rose has purchased the Rex here from Bill Jensen, who has gone to California to live.

TAKES GIBBON HOUSE

GIBSON, Neb., March 7.—C. J. King, Council Bluffs, Ia., has taken over management of the Gibbon. Elva Jackson formerly operated the house.

Action in Wisconsin Aimed at Bank Night

LA CROSSE, WIS., March 7.—Judge Robert S. Cowie has been granted authorization, as a private citizen, to institute an action seeking to abate Bank Night in La Crosse as a public nuisance.

The action, according to papers signed by Circuit Judge Emery W. Crosby, Neillsville, will be brought in the name of the state of Wisconsin, and gives Judge Cowie authority to start proceedings against the La Crosse Theatres Co., Welworth Theatres, Inc., and "any other corporation or individual operating a lottery, gift enterprise, game or scheme of chance called Bank Night in the city of La Crosse."

The complaint specifically mentions the Rivoli, Riviera, Hollywood and Strand. It is expected that the case will be tried during the regular April term of the circuit court for La Crosse County.

Two previous attempts to obtain convictions against the La Crosse Theatres Co. and Welworth Theatres, Inc., were unsuccessful when circuit court juries returned verdicts of not guilty. Early in January another action was started against the La Crosse company, alleging that Bank Night is a public nuisance. This action was dismissed Jan. 25 by County Judge Roy V. Ahlstrom on motion of Attorney General John E. Martin.

Sunday Film Bill in Delaware Dropped

DOVER, Del., March 7.—Bill to permit Sunday films in Delaware after 2 P. M. and providing for referenda in cities and towns on the issue, was stricken from the House calendar in the Delaware legislature today by Representative Henry M. Canby of Wilmington.

The statewide proposal brought more protests than any other bill presented to the 1939 General Assembly. Another bill in the Senate would legalize Sunday films after 2 P. M. in cities and towns over 25,000 population, providing it is ratified by the voters of the municipalities. Wilmington would be the only city affected, under the population provision. With protests also pouring in to members of the Senate on this bill, many members have expressed the opinion that it will not pass.

Rapf Favors a Little Propaganda for U. S.

NEW ORLEANS, March 7.—Harry Rapf, M-G-M producer, now here, says that he is in favor of a little patriotic propaganda for motion picture audiences. Asserting that the film business is international, he declared that truthful propaganda is the presentation in other countries of pictures of the U. S. A. as it is.

'Honest Man' With $11,500 Frisco Leader

SAN FRANCISCO, March 7.—"You Can't Cheat an Honest Man," paired with "My Son is a Criminal," grossed a strong $11,500 at the Orpheum. "Topper Takes a Trip" drew $8,100 in the second week at the United Artists.

"Pygmalion" drew well at $8,500 in the second week at the St. Francis, and "The Great Man Votes," at Golden Gate, took $10,500.

Estimated takings for the week ending Feb. 28-March 3:

"The Great Man Votes" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $10,500. (Average, $16,000)

"Topper Takes a Trip" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $8,100. (Average, $7,000)

"You Can't Cheat an Honest Man" (Univ.)
"My Son is a Criminal" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-55c) 7 days. Gross: $11,500. (Average, $8,500)

"Wings of the Navy" (W. B.)
"The Arizona Wildcat" (20th-Fox)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $16,000. (Average, $17,000)

"The Beachcomber" (Para.)
"Boy Trouble" (Para.)
PARAMOUNT — (2,740) (15c-35c-40c-55c-75c) 7 days. Gross: $12,000. (Average, $13,000)

"Pygmalion" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c) 7 days, 2nd week. Gross: $8,500. (Average, $7,000)

"Yes, My Darling Daughter" (W. B.)
"Pardon Our Nerve" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $13,800. (Average, $13,000)

"3 on a Weekend" (G. B.)
CLAY—(400) (15c-35c-40c) 9 days. Gross: 750. (Average, $1,300)

"Edge of the World" (Pax)
LARKIN — (390) (15c-35c-40c) 7 days. Gross: $600. (Average, $1,300)

'Musketeers' and Goodman on Stage $33,000, Detroit

DETROIT, March 7.—"Three Musketeers," with Benny Goodman and his band on the stage of the Fox, drew a smash $33,000. "Wings of the Navy" and "Nancy Drew, Reporter," at the Michigan, took a strong $13,000. "Huckleberry Finn" grossed $10,000 at the United Artists.

Estimated takings for the week ending March 2:

"Gunga Din" (RKO)
"Next Time I Marry" (RKO)
ADAMS—(1,700) (15c-40c) 7 days, 2nd run. Gross: $8,500. (Average, $5,000)

"Three Musketeers" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage, Benny Goodman and band. Gross: $33,000. (Average, $20,000)

"Wings of the Navy" (W. B.)
"Nancy Drew, Reporter" (W. B.)
MICHIGAN — (4,000) (20c-65c) 7 days. Gross: $13,000. (Average, $10,000)

"The Beachcomber" (Para.)
"Convicts Code" (Mono.)
PALMS-STATE—(3,000) (15c-50c) 7 days, 2nd run. Gross: $5,500. (Average, $5,000)

"Huckleberry Finn" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $10,000. (Average, $10,000)

To Distribute "Katia"

Arthur Mayer and Joseph Burstyn have acquired American distribution rights to "Katia," produced by E. A. Algazy in France and starring Danielle Darrieux.

Canada Radio Units Fight Beer Ad Ban

MONTREAL, March 7.—Radio labor circles and private broadcasters are up in arms over the Canadian Broadcasting Corp. announcement that beer and wine ads must cease on the air by April 1. The Association of Private Radio Stations of Quebec has wired its complaint to Gladstone Murray, general manager of CBC, and on Thursday representatives of the Musicians Guild and the American Federation of Radio Artists, Montreal local, will go to Ottawa to register their complaints.

Ratification of the ruling banning wine and beer radio advertising will be fought March 19 when the Board of Governors holds its annual meeting March 19. Such a move will kill 30 programs involving a quarter million dollars in salaries annually to musicians, artists, script writers and producers. A gathering of such workers here yesterday under AFRA and Musicians Guild sponsorship resulted in drafting of protests which will be presented the Prime Minister and Quebec members of the House.

Philco's Television Sets Demonstrated

Philco's portable television transmitter and new receiving sets for the home were demonstrated in New York yesterday at the Savoy-Plaza. The receivers, which will be placed on the New York market early in May have a five-inch screen and will sell for between $150 and $175 a set.

At the demonstration yesterday, the transmitter was placed in one room and in an adjacent room the broadcast was viewed on the screens of the receivers. The pictures were quite clear. The receiving sets are for television only and are not combined with radio sets.

The transmitter's small size gives it distinct advantages over other television transmitters according to Philco engineers which will enable broadcasts of certain kinds of programs larger sets will have to forego. Engineers said it has already been successfully tested on golf courses, beauty contests and general outdoor events. The entire apparatus is mounted on wheels and is easily moved about.

Eastern Finals of 'Gateway' Tomorrow

New York regional eliminations of Jesse Lasky's "Gateway to Hollywood" talent quest will be held at the Hotel Roosevelt tomorrow, in conjunction with a luncheon for the press and eastern heads of RKO, which, with the Wrigley Co., is sponsoring the talent quest. Tomorrow's session, marking the end of the first 13 weeks of the quest, also marks the finals for all major cities east of the Mississippi.

Present at tomorrow's ceremonies will be Ralph Rolan and Bryant Washburn, latter the eastern talent scout for the series.

Patt in WKRC Post

CINCINNATI, March 7.—James M. Patt, CBS midwest director of special events, today was named director of special events and public affairs for WKRC by William A. Schudt, Jr., general manager of WKRC.

Radio Personals

RION BERCOVICI, well known press agent and writer, has joined the New York staff of Tom Fizdale's publicity office . . . Jimmy Rich, WNEW copyright editor, has been added to the staff of organists at Radio City . . . Charlie Barnet's orchestra booked for the Paramount for two weeks starting March 22 . . . Jack Maxey, manager of WRTD, Richmond, in the city for a week on business . . . Joan Bennett will be the guest of Jack Haley on the latter's Wonder show March 10.

✚

Henry Dagand and Irving Strouse have arranged a combination management and publicity service. . . . Benny Goodman will broadcast his "Caravan" from the stage of the Stanley in Pittsburgh March 14. . . . Gene Krupa will be heard from the College Inn via NBC beginning March 11. . . . Claire Heyer, ad manager of KGIR, Butte, in New York for several days of business. . . . Also here on station business for short stays are Bill Fay of WHAM, Rochester, and Bill Pape, manager of WALA, Mobile. . . . Helen Hayes booked for a guest appearance on Sunday's Chase and Sanborn show, the first of the two broadcasts to come from Manhattan.

Report Purchase of "A" Shares in CBS

WASHINGTON, March 7.—Acquisition in January of 10 shares of Columbia Broadcasting System Class A stock by Prescott S. Bush, New York, director, has been reported by the Securities and Exchange Commission.

Other transactions in Columbia stocks reported were the disposition of 700 shares of Class A by Isaac D. Levy, Philadelphia, director, reducing his holdings to 62,500 shares, and disposition of 235 shares of Class B by Leon Levy, Philadelphia, director, reducing his holdings to 44,177 shares.

Reports from officers of Crosley Corp., showed the acquisition in December of 963 shares of common by Powel Crosley, 3d, his only transaction of the year in Crosley securities, bringing his total holdings to 13,652 shares, and acquisition of 300 shares by Charles R. Dolive, Cincinnati, officer.

Slocum of CBS Goes To Washington Unit

Bill Slocum of the CBS press department in New York has been transferred to Washington where he will serve as publicity director of the CBS Washington Bureau.

Other staff changes set by Lou Ruppel, new CBS publicity chief, finds Paul Glenn shifted from general program publicity to that of handling special events press relations; Jim Kane taking up Glenn's former assignments, and Hal Davis succeeding Kane on the night trick.

Amos 'n Andy to CBS

Amos 'n Andy will transfer from NBC to CBS in April. Campbell's Soups is sponsor. Ward Wheelock was agent in the deal.

Bass Chimes

Muskogee, Okla., March 7.—Joe B. Mathews, on duty one evening announcing in his dignified manner, paused to give the time announcement. To give the listeners added "time" impression he made the usual remark, "at the sound of the musical chime it will be exactly 8 o'clock." Mathews streaked his hand up to the chimes suspended from the wall, and found the chimes were gone! He skipped around to the grand piano at the far end of the studio, tinkled a key, and out poured a rumbling bass.

NBC Preparing New Television Promotion

First television booklet dealing with the science solely from an advertising viewpoint is now in production at NBC and will be mailed this week to more than 5,000 agencies and clients. Compiled by E. P. H. James, the network's sales promotion manager, the book summarizes the present status and future of television as an advertising medium.

Features of interest to advertisers in the booklet are that the cost of production remains the greatest problem to be solved; that NBC, while not planning any immediate sale of television time, is following the policy of creating as much program variety as possible in order to build up a fund of experience of future value to advertisers; that the addition of sight to sound will give more than twice the flexibility of present day sound broadcasting for commercial purposes and can be expected to be many times as effective in actual sales appeal.

WHN Also Will Air Dodgers' Ball Games

Play-by-play descriptions of the Dodger baseball games will be carried by WHN, in addition to WOR, according to a contract signed yesterday for the double Manhattan coverage. As in the WOR instance, Socony-Vacuum, General Mills and Procter & Gamble will sponsor the games over WHN.

The WHN schedule calls for descriptions of all spring training games, home and road games during the entire regular season, as well as coverage of the Dodgers' night games, the latter over WHN only, and not on WOR.

Close Contracts for 4 New WJZ Shows

Contracts for four new programs over WJZ have been closed. W. L. Douglas Shoe Co., will sponsor a "man on the street" series Mondays through Fridays from 5:45 to 6 P.M., for 13 weeks starting March 27, through N. W. Ayer & Son. Breakstone Bros. has purchased participation in the "Woman of Tomorrow" series, through McKee & Albright; Fifth Avenue Coach Co. for five weeks will sponsor a series of talks on home economics, Wednesdays, starting next week, through the World Wide Advertising Corp., and Gruen Watch Co.'s time signals will be continued for another year, through a placement by McCann-Erickson.

Banner LINES

MOTION picture folk who have been worrying about the bogey of television probably will be interested in the answer RCA has just written to the question "What will be television's effect on motion pictures?" It appears in a new pamphlet on television which will be issued this week, and it reads:

"Certain types of motion pictures will fill an important function in television programs, and this should expand, rather than limit, the film market. Partly because people enjoy the mass psychology of a theatre audience, and partly because the broadcasting of full-length features is limited, television offers little competition to the cinema."

Or in other words, yes, but then again, no.

▼

Listeners have been complaining to NBC, and network engineers have been trying to do something about the interference WEAF is receiving from a station in Havana which, like WEAF, operates on 660 kilocycles.

▼

Hollywood producers may be doing something to curtail radio appearances of their players—but not this Sunday. On CBS alone, eight screen players will parade before the Sabbath mike—Carole Lombard, Jimmy Stewart, Edward Everett Horton, Spring Byington, Shirley Ross, Lee Tracy, George Raft, Bob Benchley.

▼

There's a report that because most of the sustaining budget is being poured into "This Is New York," CBS will scrap the "Saturday Night Swing Sessions." Just wait till the jitterbugs hear about this, if it be true.

▼

Look for Milton Berle to step into the Pepsodent setup as the replacement for Bob Hope. The deal has been closed and merely awaits announcement.

▼

Progressive WOR is essaying something new in a stunt called "delayed broadcasting." Because mid-evening commercial commitments make it impossible for New York stations to broadcast the college basketball games in Madison Square Garden, WOR will send Stan Lomax to the games to make recordings of the play, and at midnight will present the platter on the air. If fans signify approval, WOR may broadcast a full schedule.

▼

The C.I.O. has been pamphleting the NBC page and guide staffs.

JACK BANNER

Bartley Shepard Aide

Robert T. Bartley of the Securities and Exchange Commission has been named executive secretary to John Shepard, 3rd, president of the Yankee network. Bartley will start his new duties at the close of this month. Previously, Bartley was director of telegraph division of the F.C.C.

NBC Capital Increased

DOVER, Del., March 7.—National Broadcasting Co. has increased its capital stock from 50,000 to 100,000 shares, no par value, the Delaware Secretary of State has reported.

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 46 NEW YORK, THURSDAY, MARCH 9, 1939 TEN CENTS

Film-Radio 'Feud' Is Only Talk, Says Lohr

Two Run Parallel, He Avers in Coast Talk

LOS ANGELES, March 8.—The "feud" between radio and motion pictures because of protests of exhibitors over the presence of film stars on programs is "just so much newspaper talk," Major Lohr, president of NBC, declared here today. Lohr is on a transcontinental tour of cities where NBC has stations.

Films and radio are parallel entertainment mediums of mass appeal, he declared, and there probably will never be a war between them. There is much good will and cooperation between the mediums, he said. Talk of a feud, he averred, was caused by "personal irritation."

Hays Protested Skit

However, the NBC president did say that radio has agreed not to present the motion picture industry in an unfavorable light and he himself had delegated Don Gilman, NBC west coast head, to watch closely for industry "knocks."

(Will Hays recently protested to Lohr about a skit on a broadcast of Irene Rich that ridiculed Hollywood production methods.)

Commenting on the question of Federal censorship, Lohr said "the public is utterly behind radio. Radio has kept itself clean and has done great things in the interest of public service. There is no danger of Federal censorship."

The keynote of new programs, Lohr said, might be patriotism and religious tolerance.

NBC has promulgated its own code of adherence to good taste and decency in broadcasts, and has submitted it to clients and agencies, Lohr disclosed. Copies were sent out two weeks ago to agencies and clients.

New Jersey Censor Measure Introduced

TRENTON, N. J., March 8.—Effort to establish censorship in New Jersey was renewed here by Assemblyman John E. Kerner, who introduced a bill for a three-man board. Under the terms of the bill, the board would have power to ban any exhibition which it ruled was improper.

Kerner stated that his bill was put forward to provide a uniform judgment of fitness for films throughout the State and "would keep the screen clean."

RKO-Gordon Deal Is Ready for Signing

Deal under which RKO will participate with Max Gordon and Harry Goetz in production and distribution of two pictures annually is scheduled to be signed today or tomorrow, while Pandro S. Berman, RKO production head is here.

Deal stipulates that "The American Way" and "Abe Lincoln in Illinois" will be the first two pictures to be delivered to RKO. Final terms are understood to have been agreed upon and are now being embodied in a contract by Samuel Spring, attorney for Goetz and Gordon.

US and British Film Cooperation Gains, English Lords Told

LONDON, March 8.—Evidence of closer cooperation between American and British film interests during the coming year and a forecast of greater use of the reciprocity clauses in the Films Act featured a discussion of the British film situation in the House of Lords today.

Viscount Bridgman, director of the Denham Laboratories, called attention to the decrease in English production, and agreed that the English "quickie" is dead. He claimed the vast majority of the films made were sponsored by American interests. He cited the fact that eight studios have made no films

(*Continued on page 4*)

Producers, S.W.G. Given to March 23 To Negotiate Pact

LOS ANGELES, March 8.—James C. Batten, N.L.R.B. trial examiner, today gave major producers and the Screen Writers Guild representatives until March 23 to report progress on their negotiation of a bargaining agreement.

Batten, however, warned both sides on reconvening the hearing of N. L. R. B. charges that the studios violated the Wagner Act that the board is prepared to go to trial with the case on 48 hours notice if an impasse is reached at any point in the negotiations.

Leonard S. Janofsky, attorney for the Screen Writers Guild, in a statement delivered in Batten's presence said that the primary condition on which negotiations would be resumed with the producers was the nullification of the contract between the studios and the Screen Playwrights, which now governs the writers' working conditions.

'Blackwell's Island' Gives Globe $19,400

"Blackwell's Island" grossed an estimated $19,400 in its first week at the Globe to set a new high for the house under its present management. "Stagecoach" finished its first week at the Music Hall with an estimated $78,000 and continues there.

At the Capitol, "The Adventures of Huckleberry Finn" grossed an estimated $26,000. "Let Freedom Ring" starts there tomorrow.

Ad Brains Set Course of Screen, Declares Einfeld

By AL FINESTONE

"There is no question but that the advertising brains of the business help set the course of the screen. Hollywood must be encouraged to go into new fields and make pictures with new ideas. Whether these new ideas will succeed depends, of course, upon the box-office. It is the job of the industry's advertising and publicity experts to measure accurately and to obtain the fullest result in box-office reaction."

Thus S. Charles Einfeld, advertising and publicity head of Warners, expounds his credo.

"Any picture," he continues, "can be sold with proper exploitation. New ideas are the order of the day, both in production and exploitation."

Warners, he said, have departed from the beaten path by making such pictures as "Pasteur," "Zola" and "Green Pastures." There are pictures coming such as "Confessions of a Nazi Spy," "Dark Victory" and "Juarez" and, next season, biographies of John Paul Jones, Bishop Martin Niemoeller and Knute Rockne.

Einfeld mentioned these as examples of films that require extraordinary exploitation to put over, campaigns tailored to fit.

"It is a matter of long-range planning, and it takes smart thinking and

(*Continued on page 4*)

Majors Win Details Plea In Trust Suit

Bondy also Extends Time for Filing Answers

Federal Judge William Bondy yesterday granted in part defendants' motion for a bill of particulars demanded in the Government anti-trust suit and extended the time for filing of answers until 20 days after the bill is served upon defendants. At the same time he directed United Artists to submit to an examination before trial and denied the U.A. motion to strike out portions of the complaint.

As to those particulars which the Government is unable to furnish at the present time, a statement setting forth this fact must be submitted and further details may be furnished up to 30 days before the date of trial. Specific items on which U.A. may be examined were left for future determination on motion.

Explains Denial

In denying the motion to strike out portions of the complaint which did not apply to U.A., Judge Bondy stated that no prejudice could result from allowing the allegations to stand. He pointed out that if they had no reference to U.A. this fact could be shown at the trial.

The decisions were rendered a few minutes before court closed and a full analysis of the order for the bill of particulars could not be made. Courthouse sources stated that Judge Bondy had granted the demands for full details where specific charges of monopoly were alleged and denied it where the charges were general.

In all, 51 subdivisions were granted in full and 33 in part in the combined demand of six major companies. Thirty-three subdivisions were granted

(*Continued on page 4*)

Frank Ross Named To Succeed Bren

HOLLYWOOD, March 8.—Frank Ross, story editor for the last two years at the Hal Roach studios, today was made vice-president of the corporation and given the production post vacated by Milton Bren, who went to M-G-M as associate producer.

Instead of the executive producer title of Bren, Ross will have the status of assistant to Roach.

Cole Staying East For Neely Hearing

Col. H. A. Cole, Allied president, plans to remain in the east for the hearing on the Neely anti-block booking bill before a subcommittee of the Senate Interstate Commerce Committee, before returning to Dallas. He said that Dr. Ray Lyman Wilbur, president of Stanford University and head of the Motion Picture Research Council, has promised to appear for the bill and that other public groups, such as the Parent Teachers Association, which supported the measure at the Senate hearings two years ago, would again appear in support when the bill comes up for hearing. This, he believes may be in two weeks.

The Allied head indicated that passage of the bill may depend on how long Congress will be in session. President Roosevelt has asked for early adjournment.

Continuing his conferences with directors of eastern Allied units, Col. Cole is in Baltimore today, and will meet with the New Jersey Allied board here on Monday. On Tuesday he will confer in Boston and on the following day will address the Massachusetts Federated Women's Clubs on block booking and other matters. On March 16 he will confer with the New York Allied board.

He has already met with Allied boards in Pittsburgh and Philadelphia.

Myers Coming for Parley

Abram F. Myers, Allied general counsel, will come to New York for a conference with major distributors' counsel on the proposed trade practice program.

There had been some doubt whether he would confer further with the lawyers' drafting committee, but yesterday he indicated his willingness to meet with counsel, provided an invitation were extended to him.

The drafting committee, of which Robert Perkins of Warners is chairman, is still putting the finishing touches to the terminology of the final draft. Press of other work has delayed completion of the program.

However, both W. F. Rodgers and S. R. Kent, who are active on the distributors' committee, before they left New York for the coast last Friday, expressed hope that the program would be submitted to exhibitors before their return late this month.

Bowles, Ricketson in On National Meeting

Arch Bowles, National Theatres division manager in San Francisco, and Rick Ricketson, Rocky Mountain division head at Denver, arrived yesterday to attend National's annual division managers' meeting. Others are due today. The sessions will start tomorrow.

Lopert Forms Juno Films

I. E. Lopert, president of Pax Films, Inc., and B. Witkin have formed a new company, Juno Films, with Lopert as president and general manager. First picture will be "There Comes a Day," French film directed by Julien Duvier and starring Louis Jouvet and Michel Simon.

Purely Personal

N. L. Nathanson, Famous Players-Canadian head, is in New York for a brief visit en route back to Toronto from a Florida vacation.

•

Nate Goldstein is at the Paramount home office for conferences with Barney Balaban on theatre operations in western Massachusetts.

•

Amanda Ledesman, Argentine player who arrived this week from Buenos Aires, was given a cocktail party yesterday at the Astor by Ramos Cobian, producer of Spanish language films for 20th Century-Fox. She will appear in Cobian films.

•

Leon Netter, vice-president of Paramount Theatres, and Mrs. Netter have gone to Bermuda for a short vacation.

•

Rose Kretchmer of the Walter Reade office and Murray Kravitz, former Golden Glove champion, will be married on Sunday.

•

Bernard McConville's story, "Timber Stampede," will be adapted by Oliver Drake as a George O'Brien film for RKO.

Pandro Berman, RKO studio head, arrived from the coast yesterday for conferences with George J. Schaefer.

•

Al Hoffman, United Artists, Denver exchange manager, is laid up with a broken ankle suffered when he was getting out of his car.

•

Alexander Marks of Malmar Pictures is back at his desk, fully recovered from a recent illness.

•

Homer Tasker, Paramount chief recording engineer, is en route east to make a study of latest television developments.

•

Joe Rock has been promoted from the ranks to assistant branch manager of the N. Y. branch of Ross Federal Service.

•

William A. Brady, producer, is on his annual visit to the coast and doing some talent scouting.

•

Ruth Chatterton has opened in a play, "West of Broadway," in Boston.

•

Al Wilkie is due Monday from Florida.

Albany Agency Bill May Pass This Year

Albany, March 8.—Consensus on Capitol Hill is that the Ostertag employment agency bill has a chance for passage this year, the ninth in which the measure has been up in the Assembly.

While the measure makes no exception for theatre circuits of more than 20 houses which book vaudeville on talent, it is said to be more acceptable to the industry than previous Ostertag proposals.

Under the measure license fees of $50 are fixed for New York City and $25 elsewhere. It provides that Commissioner Paul Moss control licensing in the metropolitan area and city authorities in other municipalities. Other measures give licensing control to the state labor department.

It is expected that Gov. Lehman, who has advocated such a measure in his annual messages, will sign the bill if passed.

Ticket Broker Trial Is Due to End Today

Trial of the suit of Acme Ticket Agency to enjoin enforcement of the ticket brokers' code is expected to finish before Referee Morris Cooper, Jr. today. At yesterday's hearing, Frank Gillmore, president of the Associated Actors & Artistes of America, and Paul Dulzell, executive secretary of Actors' Equity, were the principal witnesses. They testified that although a broker's "buy" of a house might prolong its run in particular instances the general effect on the legitimate theatre is bad and that actors lost work as a result of the practice.

Hitchcock Arriving From England Today

Alfred Hitchcock, former Gaumont-British director, will arrive from England today on the *Queen Mary* en route to Hollywood on an assignment from Selznick-International, for whom he will direct at least one picture.

Just prior to his departure from London, Hitchcock completed direction of "Jamaica Inn," starring Charles Laughton, for Erich Pommer's Mayflower Films. The picture will be distributed here by Paramount. Hitchcock will go to New Haven for a lecture on films at Yale before leaving for the coast.

Other arrivals on the *Queen Mary* included Charles P. Skouras and daughter, Marjorie, returning from an extended European tour; T. K. Stevenson, Erpi president; Mrs. Arthur Kelly, wife of the United Artists foreign sales head, who will be abroad on his current business trip for another month; Milton Krims, producer; Sir Harold Wernher, chairman of Associated Theatre Properties, London, and Ernest Guinness.

"U" Testimony Ordered

Universal Pictures Co., Inc., has been ordered by N. Y. Supreme Court Justice Charles B. McLaughlin to testify before trial in the suit of Boris Demitroff, who charges infection of the neck caused in a newsreel scene.

Air Shipments Gain

Railway Express Agency, which handles a great many film shipments, has reported an all-time high record in air express shipments for any one month, during last December. The total was 83,958, an increase of 29 per cent over December, 1937. Gross revenue was up 30½ per cent compared with December, 1937.

Warner Sales Drive Is Far Ahead of 1938

With two-thirds of Warners 16-week Sears Drive gone the company reports a substantial increase in collections and billings over the same period last year. Company executives and sales force are getting ready for the annual sales convention at the Waldorf-Astoria here Monday and Tuesday.

It is expected that this year's drive will top last year's by a wide margin as several big pictures are to be released in the next six weeks. Among them are "Dodge City," "The Oklahoma Kid," "Adventures of Jane Arden" and "On Trial."

David Warner Dies; Producer's Brother

Boston, March 8.—David Warner, brother of Harry M. Warner, president of Warner Bros. Pictures, died here Tuesday night. He had never been a member of the film founded by his brothers. He was a donor with his brothers of the Warner Memorial Gymnasium presented to the Hebrew Orphan Asylum in New York in 1928. Others surviving besides Harry M., Jack L., and Albert, brothers, are Mrs. Rodney Upright, a daughter of Cleveland, and three sisters, Mrs. Harry Charmas, Mrs. Lewis Halper and Mrs. David Robbins. Burial will be in Youngstown, O.

Howard to Make Two For RKO in England

Under a deal just closed between RKO and Walter Futter, he and Leslie Howard will co-produce two pictures in England for the company. Howard also will co-direct and star. First will be "The Man Who Lost Himself," for release late this year. Howard will return to England to start work on the pictures after completing his role in "Gone With the Wind."

Hall May Get 'Spy'

Radio City Music Hall may get Warners' "Confessions of a Nazi Spy." Negotiations are under way.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: Motion Picture Herald, Better Theatres, Teatro al Dia, International Motion Picture Almanac and Fame.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"DODGE CITY"
APRIL 8!
FLYNN!
DE HAVILLAND!
AND 1,000's!
TECHNICOLOR!
TERRIFIC!!!
WARNERS'!



Ad Brains Setting Course of Screen, Declares Einfeld

(*Continued from page* 1)

smart doing to get results," he added. "Your merchandise and audience must be analyzed keenly."

Warners have no fixed budget for advertising and publicity, said Einfeld. Company executives are receptive to ideas, and do not limit the advertising department if an extensive campaign is what the department thinks is needed on a particular picture.

Large Sum on 'Dodge City'

The company is spending a large sum on "Dodge City." The campaign was started when a party headed by Lieut. Gov. Carl Friend of Kansas delivered a petition to the studio asking that the premiere be held at Dodge City, Kan. The studio "acquiesced." On March 31 the film will be given a world premiere at the city's four theatres simultaneously. And there will be a big frontier days celebration, with national attention via a radio hookup. The company will transport a party of 100, including players, newspapermen and others, from Hollywood on a special train.

"Dark Victory" is another film which will get unusual attention. The "underground grapevine" was set in motion to create speculation on the theme of the film and a fan magazine campaign four months in advance stressed Bette Davis' performance, all leading to the preview climax.

For the new season, Warners will continue to concentrate on newspapers as the best "'point of sale" medium, flexible enough for national campaigns on a local basis, to support the local theatre.

U. S. and British Film Accord Gains

(*Continued from page* 1)

for the past 12 months because of no money available from British sources.

Bridgman contended that constructive steps are needed regarding financing and the assurance of good distribution service for British films. Lord Strabolgi protested the Moyne Committee recommendation for financial cooperation has been ignored by the Government.

Lord Templemore, Government spokesman, pleaded that the Government cannot dictate to the City, London's financial center. He pointed to the significance of recent American distribution of good British pictures.

Lutsky, Luth Bankrupt

C. Israels Lutsky, radio commentator, known as the Jewish Philosopher, and employed by New Jersey Broadcasting Corp., and Jack Luth, radio talent agent, have filed voluntary petitions in bankruptcy in the U. S. District Court. Lutsky listed no assets, and liabilities of $28,734, and Luth no assets, and liabilities of $26,543.

Sound Directors Meet

HOLLYWOOD, March 8.—Major studio sound directors held their regular monthly meeting tonight at the Warner studio.

Allied Lists Names In Patriotic Series

With the first of Allied's series of patriotic trailers featuring President Roosevelt, the organization has tentatively listed for additional subjects: Chief Justice Hughes, Vice-President Garner, Secretary of State Hull, Speaker of the House Bankhead, Alf M. Landon, Republican nominee for President in 1936, Dorothy Thompson, columnist, Prof. Albert Einstein and Sinclair Lewis.

Majors Win Details Plea in Trust Suit

(*Continued from page* 1)

completely and 23 partly in the U.A. petition, and 46 in the Columbia demand.

The order requires a description of the "series of harsh, onerous, and unfair trade practices" mentioned in the complaint which allegedly resulted in a monopoly in restraint of trade. It also required a listing of all situations where independent exhibitors had been forced out together with names, dates and places, and a description of alleged coercive or distress methods used.

Must Define Terms

Generally, the bill must set forth complete definitions of general phrases used, such as "key cities," "star system," "affiliated theatres" etc. A complete differentiation must be set forth of "feature motion photoplays" and "feature photoplays of better grade and quality."

The order requires a statement whether alleged refusal of first runs to use independent product is the result of any agreement or understanding; a listing of advantages allegedly granted by defendants to each other; whether the alleged theatre monopoly results from direct holdings in affiliated theatres or otherwise; whether the alleged intergration of production with exhibition is the result of agreement or understanding; a listing of all first run houses and all theatres constituting the motion picture market.

Union Pact Approved

Members of Local 54, Building Service Employees Union, have approved the agreement signed with the League of New York Theatres, providing for closed shop, shorter hours and wage increases. It affects 500 workers.

Altec Closes Contract

Wilmer & Vincent Corp. has signed with Altec Service Corp. to service the equipment in the circuit houses in Allentown, Easton, Johnstown and Reading, Pa., and Richmond. Bert Sanford negotiated for Altec.

Backs 'Remous' Ban

ALBANY, March 8.—Rejection of the revised version of "Remous" by the Board of Regents was upheld by the Appellate Division. A dissenting opinion by Justice Rhodes held the picture to be unobjectionable.

Production Drops With 38 Shooting

HOLLYWOOD, March 8.—Thirty-eight pictures were before the cameras this week, as 13 were finished and four started. This represents a total nine less than last week. Twenty are being prepared and 58 are being edited.

Started were: "Great Enemy," Paramount; "Second Shot," RKO; "The Oregon Trail" (serial), Universal, and "Battle of City Hall," Warners.

In addition to these, shooting are: "Plane No. 4," "Blind Alley," "Missing Daughters," Columbia; "Wuthering Heights," Goldwyn; "Maiden Voyage," "A Hundred to One," "Penthouse," "The Kid from Texas," "Within the Law," "Calling Dr. Kildare," "It's a Wonderful World," M-G-M; "Streets of New York," Monogram; "Men About Town," "Beau Geste," "The Magnificent Fraud," Paramount; "Sorority House," "Second Shot," RKO; "Man of Conquest," "Frontier Express," "Street of Missing Men," Republic; "Gone with the Wind," Selznick International; "The Man in the Iron Mask," Small; "Rose of Washington Square," "Susannah of the Mounties," "Stanley and Livingstone," "Police School," "The Gorilla," "Return of the Cisco Kid," 20th Century-Fox; "East Side of Heaven," "The Family Next Door," "Big Town Czar," Universal; "Confessions of a Nazi Spy," "Each Dawn I Die," "Family Reunion," "Gantry the Great," "Waterfront," Warners.

Finished were: "Everything Happens to Ann," Arcadia-Grand National; "The Wizard of Oz," "Lucky Night," "Penthouse," M-G-M; "Union Pacific," "Invitation to Happiness," "The Gracie Allen Murder Case," "Some Like It Hot," Paramount; "Heroes of the Desert," Republic; "Captain Fury," Roach; "Three Smart Girls Grow Up," Universal; "Hell's Kitchen," "Nancy Drew, Trouble Shooter," Warners.

M-G-M is shooting one short subject. Two have been finished.

Player Sues S. A. G.

HOLLYWOOD, March 8.—E. H. Bookasta, atmosphere player, yesterday filed suit against the Screen Actors Guild for $5,000 damages and reinstatement as a member, charging he was illegally suspended.

Columbians to Meet

A meeting of the Columbian Club, company organization of Columbia Pictures, has been tentatively set for March 14 at the home office to clarify the method to be followed in elections scheduled this month.

New Para. Unit Formed

Paramount has eliminated its distributing subsidiary incorporated in New Jersey with headquarters at Jersey City by merging it with Paramount Film Distributing Corp., a newly formed Delaware corporation.

Hacker Will Export

Sam Hacker, formerly with Republic, has opened offices for international film export. He recently resigned as assistant to Morris Goodman, Republic foreign head.

'Twas That Bad

Hollywood, March 8.—Sol M. Wurtzel is telling the story of a picture that was so bad that the projectionist walked out at the end of the third reel.

British Censors Reject 4 in 1938

LONDON, March 8.—Only four films were totally rejected by the British Board of Film Censors during 1938. Only one film had an "H" (Horrific) certificate. The important certifications issued by the board follow.

Among features, 429 received "U" (Universal) certificates, and 258 "A" (Adult) certificates. Among shorts, 1,570 received "U" rating and 35 "A" rating.

In 1937 there were nine total rejections, with 478 features receiving "U" certificates, and 349 receiving "A" rating. During 1937, 1,353 received "U" classification, and 27 "A" designation.

Plan on Fractional Quota Up to Council

LONDON, March 8.—Films Council in England may consider a new plan for fractional quota presented by the representatives of the documentary film producers, probably with the approval of the Kinematograph Renters' Society.

The plan aims at obtaining fractional registration for films costing a fraction of the set minimum, approximately $40,000. It is believed such a plan would have the general approval of the trade.

Two Producing Units Organized in Mexico

MEXICO CITY, March 8.—Two new motion picture companies have been formed recently. In Tiajuana Francisco C. Ibarra heads a unit which has started construction of an American equipped studio to make Spanish language films. Other officers are Silverio Romero, secretary, and Gumersindo Ibarra, treasurer.

Jose J. Reynoso, Jr. and J. R. Baires have organized a company here which plans to produce five features this year, all in Spanish. The program starts this month.

Projectionist Bill Up

ALBANY, March 8.—A projectionists measure has been introduced in the lower house by Assemblyman Crews of Brooklyn. Applying only to New York it provides for licensing of operators, and apprentices and calls for the employment of only licensed operators.

Plan Membership Drive

CHICAGO, March 8.—Allied Theatres of Illinois will start a membership drive in the downstate territory soon, according to Jack Kirsch, president.

Associates to Meet

Motion Picture Associates will hold their next luncheon meeting at the Hotel Astor tomorrow. Means for obtaining revenue will be discussed. Harry Brandt, I.T.O.A., will speak.

The greatest test of Adult Appeal a Shirley Temple picture ever faced! A "flu" epidemic sweeping Richmond—with parents keeping children out of school and *out of theatres!*

Result:

THE LITTLE PRINCESS HELD OVER IN RICHMOND

after doing all the business in town!

FLASH! "Little Princess" off to smash start in Philadelphia's Boyd—the town's prestige, adult theatre!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Excess Power Protested by E. Roosevelt

WASHINGTON, March 8.—Elliott Roosevelt, son of the President and head of the Texas State Network, today told the F.C.C. monopoly committee he was opposed to broadcasting power in excess of 50,000 watts, but suggested that stations of that power might be required to have a reserve of 500,000 watts for use by the Government in case of a national emergency.

He also suggested that networks are moving to control the transcription business, and expressed the belief that transcription production and artists bureaus should be separated from the broadcasting companies.

CBS, NBC and Mutual each maintains an artists bureau and a transcription bureau. CBS recently started preliminary negotiations for the purchase of the World Broadcasting System.

Roosevelt urged the Government to press Mexico for ratification of the Havana radio treaty as a means of eliminating interference from high power Mexican stations, which he said are definitely lowering American tastes for radio programs.

He also expressed approval of establishment in the F.C.C. of a division to keep in touch with technical and sales operations and to advise broadcasters on what would be considered standard practices, but he opposed any division to test listener reaction to programs, as proposed in the Wheeler bill for reorganization of the commission.

Roosevelt told the committee that when it completes its monopoly inquiry the commission should make definite recommendations to Congress for immediate revision of the Communications Act with a view to putting broadcasting on a more stable basis. Under such a law, he said, broadcasters would know just what they could do, which they do not now.

Committee hearings were adjourned until next Tuesday.

Renew 'Kitty Kelly'

"Pretty Kitty Kelly," dramatic script serial sponsored over CBS by the Continental Baking Co., has been renewed for another year, effective April 9. The program, presented Monday through Friday from 10 to 10:15 A.M., is broadcast over a 42-station hookup. Benton & Bowles is the agency.

Circuit Has Program

SAN FRANCISCO, March 8.—Golden State Theatres, Inc., circuit of nearly a score of neighborhood houses here, has contracted with KYA for an hour of transcribed popular music each Sunday afternoon. James R. Nicholson signed for the theatres.

Ruggles to Vacation

Charles Ruggles will leave the cast of the Texaco "Star Theatre" on March 29 to take a three-week vacation in Bermuda. He will return to the series at the end of his sojourn.

Evening Clothes for Talent After 6 P. M.

San Francisco, March 8.—An edict has been issued here by NBC requiring all performers to wear evening clothes for programs after 6 P. M. Uniforms have been ordered for all KPO-KGO mail and messenger boys, and guest ushers, to make proper impression on visitors here for the exposition.

Talent on Canadian Brewery Programs Starts Ban Protest

MONTREAL, March 8.—Artists and musicians on brewery-sponsored air shows have started a campaign of public protest against the CBC ban on beer advertising programs, by closing all broadcasts with appeals to listeners to voice their opinions on the question. The appeals will be continued for a week, it is expected.

Meanwhile, L. W. Brockington, chairman of the board of governors of CBC has agreed to meet representatives of the Musicians' Guild and American Federation of Radio Artists' Montreal local at Ottawa on Saturday to discuss the ban. Another meeting may be scheduled for March 18, the day before the ruling is ratified.

Effective April 1, the ban would kill 30 programs which supply $250,000 in annual salaries for musicians, artists, writers and producers.

'Musical Grab Bag' Is New WHN Show

"Musical Grab Bag," with Bob Carter, is the title of the show signed by the Jefferson Finance Co. for presentation on WHN. The contract, for a year, for six 15-minute shows weekly, was placed through the Roger Relkin agency.

Other WHN business includes a 13-week contract for participation in the "Early Bird" series by Air Training Corp., and a contract for spot announcements for Central Laboratories. Former account was placed through Weil and Wilkins, the latter direct.

Scannell Joins CBS

Austin Scannell, formerly city editor of the Albany *Knickerbocker Press* and *Evening News,* has joined the CBS press department and will serve as assistant to Arthur Perles on the news desk. Jack Hoins, formerly on the desk, has been transferred to handle publicity on WABC programs.

'Zaza' on Guild Show

Screen Actors' Guild show for March 19 will be a musical burlesque of the picture "Zaza," with Fannie Brice, Bob Hope and Martha Raye in the cast. Dave Butler will direct the program.

Sullivan to WHAS

CINCINNATI, March 8.—Paul Sullivan, for the past four years news commentator on WUL, will join WHAS, CBS outlet in Louisville, Ky., on April 1.

Radio Personals

ALFRED J. McCOSKER, president of WOR, to Florida for a two-week vacation . . . Advertising Women of New York have named Hildegarde of the "99 Men and a Girl" program as the year's outstanding glamor girl . . . Victor Rosen, until recently associated with Tom Fizdale, has been appointed managing editor of the magazine *Key* . . . Julio Martinez Oyanguren, currently heard over NBC in his own series, will give a concert at Town Hall on Sunday . . . Leonard Kapner, WCAE, Pittsburgh in town on a business visit.

+

Ken Meeker, a CBS page boy, has been signed by WNEW as a staff announcer, starting this week. . . . Kitty Carlisle, Bramwell Fletcher and Helen Chandler will be guests on "Gotham Nights" over WHN tomorrow night. . . . Sam Taylor, WHN screen commentator, has joined WMCA in the sales department, and will continue broadcasting film news over the latter station.

Newfoundland Air System Is Formed

MONTREAL, March 8.—Recently formed Broadcasting Corp. of Newfoundland, a national system fashioned after the Canadian and British Broadcasting companies, will make its debut as a broadcasting unit March 13 when the new 12,500-watt station atop Mount Pearl, as yet its only outlet, will be officially opened.

The opening ceremonies will be marked by the joining of the island system with the CBC. Canadian Government radio officials have announced that Newfoundland will take all CBC sustaining features, to be supplied free. In the near future Newfoundland may be piped in on some of the commercial features now received from the United States, thus augmenting the revenue which the BCN now derives solely from license fees. Eventually, too, an exchange of sustaining programs will be planned.

Head of the new corporation is G. R. Williams. Directors are J. S. Currie, Charles E. Hunt, Robert S. Furlong, G. D. Frazer and several Government representatives.

Radio Rubes to Fay's

The Radio Rubes have been booked into Fay's Theatre, Providence, for the week of March 24. The booking was closed by E. M. Fay with Abe Feinberg on his trip to New York this week.

Barbara Stanwyck on Air

Barbara Stanwyck will appear in "So Big"—the role which elevated her to stardom in motion pictures—on the Lux "Radio Theatre" over CBS March 13.

Cartwright to Petry

William H. Cartwright has been appointed manager of the Detroit office of Edward Petry & Co., station representatives.

Steuer, Pomerantz Named Stockholder Counsel in RCA Suit

Max D. Steuer was appointed special trial counsel and Abraham L. Pomerantz general counsel for stockholders yesterday by N. Y. Supreme Court Justice Aaron J. Levy who granted the application of RCA to consolidate five separate suits brought against it. Other defendants are General Electric Co., Westinghouse Electric & Mfg. Co., American Telephone & Telegraph Co. and some 30 directors and individuals.

A number of applications to examine RCA, General Electric, Owen D. Young, Albert G. Davis, Gerard Swope, American Telephone & Telegraph, Westinghouse, Paul D. Cravath, Andrew W. Robertson, James G. Harbord, David Sarnoff, Edward W. Harden, Edward J. Nally, Cornelius W. Bliss, Bertram Cutler and DeWitt Mulhauser before trial, was denied, with leave to renew after answers are filed.

Suit charges waste and mismanagement by directors, the transfer of a large block of RCA stock to General Electric and Westinghouse, and the loss of over $7,000,000 in allegedly underwriting an $11,600,000 RKO bond floture. Accounting, damages, return of the stock and the appointment of a receiver for RCA are asked.

Film, Stage Stars At 'Gateway' Lunch

Prominent screen and stage players will attend today's luncheon at the Roosevelt in connection with the New York regional eliminations and tryouts in the RKO "Gateway to Hollywood" talent quest, which Jesse L. Lasky is conducting over CBS.

Those scheduled to attend include Sam Jaffe, Maria Ouspenskaya, Franchot Tone, Sylvia Sydney. Edward Arnold, Nancy Carroll, Barry Fitzgerald, Fredric March, Florence Eldridge, Raymond Massey and Harold Lloyd. Arthur Willi, RKO's eastern talent scout for the quest, and Bryant Washburn will address the participants.

CBC Refusal to Show Minutes Is Sustained

OTTAWA, March 8.—Canadian House of Commons Radio Committee has voted seven to five against having the minutes of the CBC board of governors' meeting produced for inspection.

L. W. Brockington, chairman of the CBC board of governors, told the committe the CBC had nothing to hide, but that the refusal to show the minutes was a matter of principle. J. E. Lawson, Toronto critic of the corporation, charged the CBC with being a great bureaucracy.

Station Issues Paper

SAN FRANCISCO, March 8.—Weekly radio giveaway paper, called *The Mike,* is being published by Frank Arthur and Charles Cooper of the KSAN staff. The sheet carries station logs for all stations in the Bay area, plus publicity photographs and stories, and a gossip column. Distribution is reported to be 20,000 weekly.

ENTERTAINMENT,

in capital letters!"

. . . Motion Picture Daily

MOTION PICTURE
DAILY

Hollywood Previews

"Blondie Meets the Boss"

(Columbia)

HOLLYWOOD, Feb. 27.—ENTERTAINMENT, in capital letters, is the essence of "Blondie Meets the Boss," second of Columbia's features taken from the popular King Features Syndicate comic strip. Seventy-one minutes of unadulterated comedy, the picture at its Hollywood preview evoked more laughs per 90 feet of film than any picture within recent memory. To say that a continual gale of laughter swept the theatre would be merely reporting a fact.

The characters familiar to hundreds of thousands of newspaper readers—"Blondie," (Penny Singleton), "Dagwood," (Arthur Lake), "Baby Dumpling," (Larry Simms), "Daisy," the dog, "Mr. Dithers," (Jonathan Hale),—romp through the substantial story to fashion an offering palatable to all types of patrons.

In addition to the evident exploitable assets of "Blondie Meets the Boss," there is in the story a topical angle—"Dagwood's" accidentally winning a jitterbug contest. The Kay Van Riper-Richard Flournoy story was adapted by Flournoy, and directed by Frank R. Strayer. Robert Sparks was associate producer.

"Dagwood," resigning in a huff because the boss would not give him a vacation, is replaced on the job by "Blondie." He becomes innocently involved in what appears to "Blondie" as a scandal, and domestic strife ensues. However, all is explained to the satisfaction of all, with "Dagwood" unconsciously winning a jitterbug contest and "Blondie" inadvertently ruining a business deal, which turned out for the best.

VANCE KING

Running time, 71 minutes. "G."*

TOP FEATURE

the show that packs "more laughs... than any picture within recent memory!" Ballyhoo the Bumsteads, the screen's No. 1 family ...in the 2nd of that sensational "Blondie" series!

COLUMBIA PICTURES

BLONDIE MEETS THE BOSS

BASED UPON THE COMIC STRIP CREATED BY CHIC YOUNG

PENNY SINGLETON AS BLONDIE • **ARTHUR LAKE** AS DAGWOOD • **LARRY SIMMS** AS BABY DUMPLING

SKINNAY ENNIS and his BAND • Screen play by Richard Flournoy • Directed by Frank R. Strayer • **A COLUMBIA PICTURE**


Reviews!
Applause!
Records!
Holdovers!
made for each other!
RELEASED THRU UNITED ARTISTS

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to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 47 NEW YORK, FRIDAY, MARCH 10, 1939 TEN CENTS

Trust Action Details Ready In Two Months

Suit May Go to Trial in the Late Fall

Bill of particulars in the Government anti-trust suit will be ready in about two months and the action ready for trial in the late fall, Government sources indicated yesterday. An effort will be made to obtain stipulation from the major companies on certain of the facts in order to facilitate the trial and shorten the bill.

Opinion was varied as to who could claim the victory in Federal Judge William Bondy's decisions of Wednesday. Although some of the defense counsel felt that the Government would be required to set forth in detail its cause of action and be limited from expanding it at trial, others pointed out that most of the questions could be answered in general terms without going into too great detail.

Attorneys spent the major portion of the day yesterday studying the de-

(*Continued on page 4*)

British Ticket Plan Urged at Code Trial

Brock Pemberton, legitimate stage producer, advocated the English system of ticket brokerage at the final day of hearing of the injunction suit brought by Acme Ticket Agency against League of N. Y. Theatres and Actors' Equity to restrain enforcement of the ticket code. Lawyers will wait until the stenographic record is ready before preparing briefs.

James F. Reilly, executive secretary of the League, testified that Acme had been given an opportunity to sign the code but that the offer had been refused. Pemberton disagreed with the testimony of Equity that brokers hindered the legitimate stage, but he declared that it was necessary to limit the price advance.

Elizabeth Allan Wins Metro British Action

LONDON, March 9.—Elizabeth Allan today was awarded damages of $17,500 against M-G-M British. She had claimed breach of contract, contending she had been engaged originally to star in "The Citadel." The damages were sought for alleged loss of salary and opportunities.

M-G-M British is expected to appeal the verdict. A stay of execution already has been granted the company.

Spot Loew's Houses On World Fair Map

Tony Sarg's official World's Fair map, now being published, spots Loew theatres in the metropolitan area as "stopovers" for tourists visiting the Fair. Total of 3,000,000 map books will be printed.

Skouras Sees Television Aid To Box-Office

Television will help rather than hurt the film box-office, declared Charles Skouras, head of Fox West Coast Theatres, who investigated television's possibilities in London. Skouras returned yesterday on the *Queen Mary* from a two and a half months' tour of Europe.

From what Skouras learned and observed in London, television in theatres will draw large audiences, as he witnessed at broadcasts in Gaumont British theatres. On the other hand, he says, home reception will be limited to small screens and there will be inconveniences involved. He believes that the superiority of theatre television reception will overcome by far whatever competition home television may offer.

This was Skouras' first trip to Eu-

(*Continued on page 4*)

U. S. MEETS TEST OF BRITISH QUOTA

Film Backing Of Plays Move Proves Futile

Efforts of a negotiating committee to provide a basis on which film backing could be obtained for legitimate stage productions have been unsuccessful and the matter is being turned over to the Dramatists' Guild council and the board of directors of Loew's and Warners for final determination. The committee, which consists of Sidney R. Fleischer, counsel to the guild, J. Robert Rubin, vice-president of Loew's, and Jake Wilk, Warner eastern story editor, is still confident that the difficulties can be adjusted, however.

Although agreed in principle that film companies backing plays should have the privilege to purchase film rights before actual production of the play, and to pay for it on the basis of the length of the run, the committee was unable to furnish a formula which would guarantee that a play's run would not be cut short.

Final meetings, which were held earlier this week, found the negotiators

(*Continued on page 4*)

Fulfill Obligations of Quality Production in First Year

By AL FINESTONE

American companies have fulfilled their obligations of quality production in the first year's operation of the British quota.

Of 52 to 55 features produced in England in the 12 months ending March 31, nine or 10 meet the act's quality as well as multiple cost requirements. This is about 20 per cent of the total, a ratio of quality which is higher than production in this country.

Films Under Clause

Among British films which the American firms are distributing here and abroad and which came under the multiple credits clause of the British quota are: "Drums," "A Yank at Oxford," "Wings of the Morning," "We're Going to Be Rich," "The Citadel," "Mikado," "Pygmalion," "The Lady Vanishes" and "Good Bye, Mr. Chips." Five of these were made with American capital. All have already been released with the exception of "Mr. Chips" which will be released shortly.

The number of features produced in England in 1938 slumped to probably one-third the output of the year be-

(*Continued on page 4*)

51 'Gateway' Winners Are Guests at Press Luncheon

Fifty-one regional winners in the RKO "Gateway to Hollywood" talent quest, and several score guests, including the press, attended the luncheon at the Hotel Roosevelt yesterday tendered in connection with the New York regional eliminations and tryouts.

At the conclusion of the eliminations the 51 winners had been reduced to two—Dorothy Davis, 17-year-old blonde, and Charles Ruppert, military academy student. At subsequent eliminations the two will compete to find the finalist boy and girl, who will be given the names of John Archer and Alice Eden and featured in the motion picture "Career," which RKO will film.

That RKO is satisfied that it is deriving benefit from the radio program was made clear by announcement yesterday that following the end of the current dramatic talent quest, the studio will embark immediately on another, a musical.

The young acting hopefuls were addressed by Ralph Rolan, Arthur Willi, Bryant Washburn, Edward Arnold and Maria Ouspenskaya. All were wished well, and given the usual advice to work hard, fight discouragement, have faith in themselves, and the like.

Among the guests from the studio and the RKO home office, were Edward Arnold, Ned Depinet, Jules Levy, John O'Connor, Fred Meyer, S. Barret McCormick, Rutgers Neilson, Marion Robertson and Rufus Le Maire.

M-G-M Schedules 44-52 Next Year

M-G-M will schedule 44 to 52 features for next season. This is the same number as scheduled for the last two years.

The company this season will deliver more product than it has since 1936-37. In that year 44 features were delivered, last year 45 features, while in the current season M-G-M may release 51. Only one week's release was missed, for Sept. 23, and production schedules assure full release up to the end of May, with three more months to go on the year.

W. F. Rodgers, M-G-M general sales manager, who is on the coast, is due in Chicago on March 18 in advance of the sales convention which opens there a day later.

Purely Personal

ARTHUR RUSCICA, 20th Century-Fox manager in Chile, is due Monday to confer with WALTER J. HUTCHINSON, director of foreign distribution.

•

STANLEY J. MAYER, manager of the 20th Century-Fox Des Moines exchange, and MRS. MAYER, leave in a few days for a vacation trip to Chicago, Washington and New York.

•

ALEXANDER WOOLLCOTT leaves for Hollywood Sunday, on assignment from the *Ladies Home Journal*, for a special screening of SAMUEL GOLDWYN'S film, "Wuthering Heights."

•

JORIS IVENS, who directed "The 400,000,000," left by TWA plane last night for Hollywood to screen the film for the Motion Picture Artists' Committee there.

•

WILLIAM A. SCULLY, Universal sales head, and MAX A. COHEN, Cinema Circuit head, return today from Honolulu and the coast.

•

MATT TAYLOR'S *American Magazine* story, "First Performance," has been purchased by Monogram as a vehicle for 12-year-old MARTIN SPELLMAN.

•

IAN CREMIEU-JAVAL, head of British Acoustic Films, G. B. subsidiary, sails tomorrow on the *Queen Mary* after several weeks here.

•

MILTON KRIMS, writer for Warners, arrived yesterday on the *Queen Mary* from a vacation abroad. He left last night for the studio.

•

MORRIS HELPRIN sails for England on the *Queen Mary* tomorrow for conferences with ALEXANDER KORDA.

•

MORT BLUMENSTOCK'S fractured ankle is healing but he is still on crutches, though working.

•

H. J. YATES and JAMES R. GRAINGER, Republic president, are due from the coast March 20.

•

JAMES ROOSEVELT flies to the coast today.

Stevenson of Erpi Back from London

T. K. Stevenson, president of Erpi, returned yesterday on the *Queen Mary* from London. This was his first trip abroad since becoming head of the company.

Stevenson conferred with the Cinematograph Exhibitors' Association regarding a reduction in service charges demanded by theatre owners. No decision has been reached.

Also arriving was Col. Sir Harold Wernher and Lady Zia Wernher. He is chairman of the Associated Theatre Properties of London, a chain of nine legitimate theatres.

Pattinson Knight, London commercial films producer, arrived to make a one-reel subject of the World's Fair, for showing in Great Britain.

Mrs. Arthur Kelly, wife of the foreign head of United Artists, also was on board.

Insiders' Outlook

By SAM SHAIN

C. C. MOSKOWITZ, our esteemed friend, and industry leader, tells us of a most interesting phenomenon—of persons who have protested that the showing of a flag trailer and the singing of "The Star Spangled Banner," in theatres, making these persons rise to attention, is an abuse and violation of their personal rights. Furthermore, one person complained that it was an "intrusion on his patriotism."

▼▼

This brings us down to our friend, John Moroney, of Texas, as estimable a gentleman as we know, and as capable. Moroney is counsel for the Interstate (Hoblitzelle-O'Donnell) circuit, and he has written a scenario which may find its way appropriately to the screens of a couple of hundred theatres in the Lone Star State and surrounding territory.

Interstate, some time ago, produced a short, "Texas Marches On." It was a patriotic subject and made a hit around the circuit, and the circuit owners then stated that they would consider making additional shorts along the same lines.

▼

It was Moroney who came forward with the suggestion that the Bill of Rights of the Constitution be dramatized for the screen. And, maybe Karl Hoblitzelle and Bob O'Donnell weren't happy to let him go ahead with it!

Well, Moroney's scenario is such that it can be compiled in booklet form and used by educational institutions also. It can be cut into a series of shorts or made into a feature.

Interstate is undertaking to transfer it to the screen as a pure patriotic venture, which is neither political in intent nor possesses any profit motive.

MAYBE you think that history doesn't repeat itself? Well, listen to Ernie Emerling tell this one.

"Back in 1920," Ernie says, "there was a lad in Cincinnati, whose name was Oscar Doob. He was an exploitation man with Paramount, and working out of that company's exchange in that Ohio city. Those were days of great silent films.

"Doob got the assignment to stage a world premiere campaign in Chilicothe, Ohio, for the film, 'Huckleberry Finn.' It was a crackerjack campaign, in fact so good, that we dug into the files of the old *Motion Picture World* in the MOTION PICTURE DAILY library and photostated that campaign.

"It will be duplicated almost exactly for Loew's, in New York, in connection with the current film, 'Huckleberry Finn.'"

▼▼

Walter Wanger's "Stagecoach," produced by John Ford, will gross approximately $350,000 in Loew's New York theatres, according to statistical experts. That's handsome as handsome goes, we say.

▼▼

Sam Aberman wants you all to know that we are having a lot of Andy Devine, these days. The actor is currently appearing in three films on Broadway, namely: "Stagecoach," at the Music Hall; "Never Say Die," at the Paramount, and "Spirit of Culver," at the Rivoli.

▼▼

"Blame the authors if the movies lack ideas," says Howard Dietz, director of publicty and advertising for Loew's. Dietz took time off the other night to address the Bureau of Propaganda Analysis at the Rand School for Social Science.

"The box-office," he goes on to say, "is a democratic thing resembling the ballot box. We cannot disregard it.

"The advertising and publicity department can affect the gross by a maximum of 10 per cent. The rest is up to the public."

Other "Dietz-isms" expressed were:

"Double features are most definitely an evil. They keep the box-office batting average down."

"The 'boy meets girl' theme is a metaphysical survival throughout all creative works, including works of art."

Harry Brandt, president of the I.T.O.A., was among the listeners during Dietz's address. While the students were quizzing Dietz on monopoly phases of the industry, Brandt grinned, but then he couldn't take it any longer, and got up and spoke:

"Whoever called the unaffiliated exhibitors 'independent' doesn't know the business. We ought to be known as the 'dependent' theatre owners of America."

▼▼

Who is Zenobia? What is Zenobia? Where is Zenobia? Why is Zenobia? Ask United Artists. They know!

1,500 Expected to Attend Warner Ball

More than 1,500 are expected to attend the annual Warner Club banquet and ball at the Waldorf-Astoria tomorrow night. Among them will be about 50 branch and district managers who are here for the annual sales convention Monday and Tuesday at the same hotel. Tomorrow night's affair will be held in the Grand Ball Room, where Artie Shaw and his orchestra will play.

Beck Has 'Snow White'

Myer P. Beck is handling the American premiere of the French version of "Snow White and the Seven Dwarfs." A special campaign is being put on for the picture, and advertising, publicity and exploitation will be handled by Beck, under Hal Horne.

The Newsreel Parade

A. F. of L. and C. I. O. representatives conferring in Washington is the major current event covered in the new issues of the newsreels. The Golden Glove bouts in New York and major league baseball players in training are sports subjects included. The reels and their contents follow:

MOVIETONE NEWS, No. 52—Labor chiefs confer in Washington. Sino-Japanese conflict. Carnival in Rio. Quadruplets leave for Baltimore. Rush construction. Festival in Rio de Janeiro.

NEWS OF THE DAY, No. 250—College for aviators. Japs seize island. Labor peace parley. Chemical water solution is demonstrated. Queen Elizabeth views fashion parade. Miss Florida is chosen. Roller skate marathon. Yanks train in Florida. Golden Glove finals.

PARAMOUNT NEWS, No. 63—Hurricane in New England speeds lumber production. Chefs convene in Maine. Statue of George Washington is under construction. Festival in Rio de Janeiro.

RKO PATHE NEWS, No. 67—Labor unions seek peace pact. High waterfall in British Guiana. Bill of Rights ratified in Massachusetts. British Parliament reviews army. Carnival in Rio de Janeiro.

UNIVERSAL NEWSREEL, No. 752—Rio festival. Labor conference in Washington. S. S. Crystobal launched. Freight wreck Beauty contest in Florida. Pirates and Yanks prepare for coming season. Trout season opens. Golden Gloves finals.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

AMERICA'S FAVORITE COMIC STRIP IS IN THE MOVIES!



TAILSPIN TOMMY IN MYSTERY PLANE

WITH **JOHN TRENT**

MARJORIE REYNOLDS • MILBURN STONE

A MONOGRAM PICTURE

"Series takes off and zooms to entertainment levels which score a direct hit for this initialer and presages same for successors. Plenty of punch for adult action fans." ***BOX OFFICE.***

●

"Bids fair to create a vogue . . . concentrates on action and suspense . . . one of the most novel climaxes seen on the screen in years."
MOTION PICTURE HERALD.

●

"Gets off to flying start...will please fans of all ages." ***FILM DAILY.***

●

"Packs a wallop that will pave smooth path for those to follow. . . . Action and suspense a-plenty, excellent production values." ***DAILY VARIETY.***

●

"Should become Monogram's top grossers, as exploitation possibilities are unlimited."
HOLLYWOOD REPORTER.

●

"Realistic, fast-moving, wholesome picture...a cinch to please thousands of youngsters." ***JIMMIE FIDLER.***

Produced by **PAUL MALVERN**
Directed by **GEORGE WAGGNER**
Screenplay by **PAUL SCHOFIELD and JOSEPH WEST**
Original story by **HAL FORREST**

Warner Theatres' Meet Here Monday

Joseph Bernhard, general manager of Warner Theatres, who returned yesterday from a vacation in the British West Indies, accompanied by Moe Silver, Albany zone manager, will preside over the regular quarterly meeting of zone managers and home office executives Monday and Tuesday. Bernhard also will address the Warner sales convention at the Waldorf-Astoria on Monday.

Those attending the zone managers' meeting, who also will be present at the sales convention, include the following zone heads: James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington; Herbert Copelan, Atlantic City. Home office executives include: Clayton Bond, Ed Hinchy, Leonard Schlesinger, Frank Phelps, Nat Fellman, W. C. Patterson, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Frank Cahill, Herman Maier, Harry Goldberg and Harry Mayer.

McConville Leaving For Mexico Meeting

J. A. McConville, Columbia foreign manager, leaves today for Mexico City, where he will conduct sales conferences with the company's Central American sales representatives. These include Charles Roberts, supervisor for Latin America, and S. Kusiel, manager for Mexico.

McConville also will visit the studios of Jose Luis Bueno, who is making three Spanish language productions for Columbia, and those of Jesus Grovas, who will make four pictures for Columbia. From Mexico, McConville will go to Havana, Puerto Rico and Jamaica, returning to New York in April.

'Pygmalion' Passes 500,000 Attendance

'Pygmalion' passed the 500,000 mark in attendance at the Astor as it entered its 15th week yesterday. Its 14th week grossed an estimated $11,000. "The Little Princess" will open today at the Roxy and "The Oklahoma Kid" goes into the Strand.

Final six days of "Yes, My Darling Daughter" grossed an estimated $31,000 at the Strand. At the Roxy, "Wife, Husband and Friend" attracted an estimated $37,500 in its second week. "I Was a Convict" will be the next attraction at the Criterion, starting Wednesday.

Hear Bennett Plea Today

Constance Bennett will ask N. Y. Supreme Court Justice Timothy A. Leary today for an order directing the issuance of commissions in Los Angeles to take the testimony of Countess Dorothy Di Frasso. Testimony is sought to substantiate a claim of Miss Bennett that Ben Hecht and Charles MacArthur breached a contract made in December, 1935, to write a scenario for her for $50,000. Suit seeks $62,500 damages against Hecht, MacArthur and Charles Lederer.

Film Financing of Stage Plays Rejected

(*Continued from page* 1)

stalemated on the questions of responsibility for the production, on the one hand, and control of production, on the other. However, it was recognized that the guild and the companies might be willing to make concessions on points which their attorneys were unwilling to yield and it was decided to put the matter directly up to the principals involved.

The committee has stressed the informal nature of the discussions, which have continued for the past year. A draft of a tentative proposal was prepared by Fleischer and copies will be sent with notations of provisions upon which there was agreement. Those paragraphs upon which there was a deadlock also will be pointed out and each negotiator will comment on these to the organization he represents. The first report will go to the guild Monday.

Present Agreement

Under the present basic agreement, film companies have the right to purchase plays before production if royalties are paid on the total gross of the picture. However, no company has taken advantage of this provision, and there is no present intention to accept it.

This provision was used for the first time this week when Katharine Hepburn purchased the film rights to Phillip Barry's "Philadelphia Story" in which she is now appearing in Washington. In this latter case, however, no film company has been reported in the deal, and the purchase was made easier because Miss Hepburn has a substantial interest in the show. It has been rumored that Howard Hughes may produce it, but this has not been confirmed.

Television Seen as Aid to Box-Office

(*Continued from page* 1)

rope in 30 years. He found film business booming in France and was informed it is 15 per cent off in Great Britain. He said business in Greece is good but profits are greatly reduced because of Government taxes amounting to between 35 and 40 per cent. He also visited Italy.

In Athens, Skouras settled the estate of a brother, Demetrios, who died recently without leaving a will. Thanos, a son of the deceased, will continue the business, which consists of nine theatres, including four in Athens, and Skouras Film, a distributing company which handles RKO, 20th Century-Fox and Paramount product.

Skouras was accompanied by his wife and daughter, Marjorie. They were greeted at the pier by Spyros Skouras and a group of National Theatres division managers, as well as distribution heads.

Sues Over House Lease

CHICAGO, March 9.—Charging fraud, deceit and misrepresentation, Frank Ford, Evanston exhibitor, has filed suit against Leo Solomon and the Lemar Building Corp. for $150,000 damages. Ford leased the Stadium Theatre in Evanston from Solomon some months ago.

Hitchcock Urges Political Themes

Alfred Hitchcock, British director, who arrived yesterday on the *Queen Mary,* believes that Hollywood may well deal with political themes considering that world politics today is an issue of great public importance.

Hutchinson came over to direct "Rebecca" for Selznick International. He will lecture on film direction at Yale University tomorrow, then will spend a week or so at Palm Beach before going to the coast.

His latest British picture was "Jamaica Inn" for Erich Pommer. He has no further British commitments nor any in America beyond the Selznick film.

Regarding British production, Hitchcock believes the banks will resume their financing before long, but instead of doing so indiscriminately, as before, they will back the production of only selected pictures which stand a chance of return. This will bring about a healthier condition, he believes.

US Companies Meet British Quota Test

(*Continued from page* 1)

fore. The half-dozen big pictures made with American financial and distribution backing did more to raise the prestige of the British industry than the previous two years' productoin.

Have Met Bargain

During the discussions prior to enactment of the new quota, the American companies generally declared themselves for reducing footage in favor of a limited number of good pictures which would get revenue in the international market. The legislation was framed accordingly. It is pointed out the figures for the quota's first year proves the Americans have kept their part of the bargain.

The American companies probably spent more money on British production and did that industry more good than would be the case were they compelled to make a large number of low-cost inferior films, it is declared.

With the act providing for revision of the quota at the end of the first year, labor and other interests are again demanding a quota based on footage. But the quota will continue on a cost plus quality basis, it is expected.

S. W. G., Producers In First Pact Parley

HOLLYWOOD, March 8.—The first meeting of representatives of the Screen Writers' Guild and producers on resumption of a collective bargaining agreement was held tonight. Charles Brackett, S. W. G. president; Phillip Dunne, Donald Ogden Stewart and Leonard Janofsky, attorney, represented the guild. An attorneys' committee gave the producers' side. On it were Homer Mitchell, Mendel Silberberg, George Cohen and Alfred Wright.

Harry Weber Dies

HOLLYWOOD, March 9.—Harry Weber, 59, father-in-law of Ray Milland, and for many years active in the B. F. Keith vaudeville circuit, died here yesterday following a heart attack.

Trust Suit Details Ready In 2 Months

(*Continued from page* 1)

cision and were not entirely ready to comment. It is expected that the Government will furnish as general a bill as possible and that a further fight may be expected when the bill is served. Principally, the order requires details of the alleged monopoly in dividing up territory and in production.

In the United Artists demand, a request for the name of every independent who was allegedly compelled to pay four or five times the rental of a film because of overbuying by others, was granted by Judge Bondy. Also a list of independent exhibitors who were "compelled to license" U.A. films on a percentage basis. These names, as well as others listed yesterday, are expected to prove most troublesome to the Government.

Prepare Bill in Washington

The Government is expected to rely heavily on Judge Bondy's permission to supply details only of information now on hand, and to furnish the remainder as it is gathered up to 30 days before trial. The bill will be prepared in Washington under the supervision of Special Assistant Attorney General Paul Williams.

Defense attorneys pointed to a portion of Judge Bondy's decision which permits them to plead suprise if confronted by some testimony for which they were unprepared. In his opinion, Judge Bondy stated that the trial will be held without a jury, and if the defense is caught unawares because certain demands for details have been denied, the trial judge can grant a short adjournment.

Set Policy for CEA Independent Group

LONDON, March 9.—Independents within the London and Home Counties Branch of the Cinematograph Exhibitors' Association met yesterday and agreed on the policy for the new independent subcommittee of the organization.

The meeting agreed on terms concerning non-collective booking agreements and contracts. The next branch meeting will consider these matters and will mark the initial functioning of the new committee.

Many other branches of the C.E.A. are expected to follow the London lead in establishing independent subcommittees.

Raymond Bill Put Up for RKO Board

The name of Raymond Bill, publisher, was sent to Federal Judge William Bondy yesterday as a proposed "compromise" member of the board of directors of the reorganized RKO by Atlas Corp., proponent of the reorganization plan.

Indications are that the formal order for confirmation of the RKO organization plan will be completed within the week following the court's approval of the board personnel.

'Dodge City' April 1

HOLLYWOOD, March 9.—Warners announce April 1 as the date for the world premiere of "Dodge City," at Dodge City, Kansas.

'Wife, Husband' at Strong $11,000 Is Denver's Leader

DENVER, March 9.—"Wife, Husband and Friend" at the Denver was the best bill here, taking $11,000, closely followed by "Fast and Loose" and "Four Girls in White," grossing $10,000 at the Orpheum.

Stagecoach" took $4,500 at the Aladdin in the second week, and "Three Musketeers" and "While New York Sleeps" drew well with $4,000 at the Paramount.

Estimated takings for the week ending March 8:

"Stagecoach" (U. A.)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $4,500. (Average, $3,500)
"Huckleberry Finn" (M-G-M)
"Pacific Liner" (RKO)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $3,500. (Average, $2,500)
"One-Third of a Nation" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $6,100. (Average, $6,000)
"Wife, Husband and Friend" (20th-Fox)
DENVER—(2,525) (25c-35c-50c), 7 days, and stage band. Gross: $11,000. (Average, $8,500)
"Fast and Loose" (M-G-M)
"Four Girls in White" (M-G-M)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $10,000. (Average, $8,000)
"Three Musketeers" (20th-Fox)
"While New York Sleeps" (20th-Fox)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $1,750)

Allied Urges Fight on 6 N. Y. Theatre Bills

Harry G. Kosch, counsel for N. Y. Allied, has issued a bulletin calling attention to six bills now pending in the N. Y. legislature which affect theatres. Kosch urged exhibitors to write to Senators and Assemblymen to urge opposition to the bills. The proposed laws are a tax on admissions, a franchise tax on outdoor advertising, two men in a booth bill, and a tax on circuits of three or more. Kosch also calls attention to proposed requirements for a certified fireman and an engineer for each house and licensed operators and mechanics for air conditioning plants.

Wins Reward of $500 For Flynn 'Capture'

Errol Flynn, for whom Warners offered a reward of $500 after he had been missing several days was located in Houston, Tex., by a newspaperman. Larry Sisk, news editor of the Houston *Press*, got busy as soon as notice of a reward was posted. He got his man landing from an Eastern plane two hours later. Flynn had been on vacation.

'Devil's Island' Film In French Approved

"Back to Devil's Island," French film drama on the French Guiana penal colonies, which is reported to be the only picture on the subject made by the French, has been approved without deletions.

The feature is being released in the United States by Edwin Fadiman's National Pictures Corp., owners of the American rights.

Palfreyman to Toledo

Dave Palfreyman, in charge of theatre relations for the Hays office, left yesterday for Toledo. He is expected back Monday.

Out Hollywood Way

HOLLYWOOD, March 9. — WILL FYFFE, Scotch actor and box-office favorite in England, has been signed by Paramount to appear in FRANK LLOYD'S "Ruler of the Seas," story of the Cunard Line . . . PAULETTE GODDARD has been signed by Paramount for "The Cat and the Canary" opposite BOB HOPE . . . STANLEY FIELDS has been given a new contract by Warners . . . Warners has set the title of the Dillinger story as "John Dillinger, Outlaw," in which JAMES CAGNEY and GEORGE RAFT will co-star . . . Universal has signed JOHNNY MACK BROWN to star in seven westerns for the 1939-'40 season . . . JUNE LANG and ROBERT KENT draw leads in Universal's "For Love or Money," which MAX GOLDEN will produce and AL ROGELL will direct.

+

Among vehicles set at Warners for EDDIE ALBERT is "Stuff of Heroes," which IVAN GOFF and JAMES SEYMOUR are writing . . . RKO has purchased "The Story of Old Man Hod," written originally by GEORGE ALLEN ENGLAND and adapted by A. C. EDINGTON . . . MARGARET LINDSAY draws the feminine lead in "Enemy Agent," at Warners . . . ISA MIRANDA'S next picture for Paramount will be "Madame Mystery," originally titled "Tempted." GEORGE FITZMAURICE will direct . . . Warners is preparing "Johnny Comes Marching Home," story of a gangster's efforts to rehabilitate himself. JOHN GARFIELD plays the title role . . . HARRY SHERMAN has purchased "Gun Chores," from JACK JUNGMEYER, SR., for a "Hopalong Cassidy" story.

+

Title changes—Warners has changed the title of "The Roaring Nineties" to "And it All Came True" . . . "North of Singapore" is now the tentative title for the Paramount picture formerly called "Island of Lost Men" . . . "Almost a Gentleman" is the new title for "Picardy Max," RKO . . . Buck Jones' vehicle at Paramount is now "Unmarried." It was formerly called "Night Spot Hostess" . . . "American Family" at Warners is now "Family Reunion."

'Stagecoach' Hits $4,500, Oklahoma

OKLAHOMA CITY, March 9. — "Stagecoach" was the best bet here, with a gross of $4,500 at the State. "Gunga Din," in its second week, took $3,000 at the Tower, and "You Can't Cheat an Honest Man" drew a good $4,800 at the Midwest. "Huckleberry Finn" was good for $5,000 at the Criterion. The weather was warm.

Estimated takings for the week ending March 2:

"Huckleberry Finn" (M-G-M)
CRITERION—(1,500) (25c-35c-40c) 7 days. Gross: $5,000. (Average, $5,200)
"Mr. Moto's Last Warning" (20th-Fox)
"Fisherman's Wharf" (RKO)
LIBERTY—(1,200) (20c-25c-30c), 3 days. Gross: $550. (Average, $1,800)
"Gambling Ship" (Univ.)
"Ambush" (Para.)
LIBERTY—(1,200) (20c-25c-30c) 4 days. Gross: $1,700. (Average $700)
"You Can't Cheat an Honest Man" (Univ.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $4,800. (Average, $4,500)
"Idiot's Delight" (M-G-M)
PLAZA—(750) (25c-35c-40c) 7 days, 2nd week. Gross: $1,500. (Average, $2,300)
"Stagecoach" (U. A.)
STATE — (1,100) (20c-25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Gunga Din" (RKO)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross: $3,000. (Average, $2,500)

Griffith, Altec Renew

OKLAHOMA CITY, March 9.—Griffith Amusement Co. has renewed its contract with Altec Service Corp., for servicing the sound equipment in more than 200 Griffith theatres in Texas, Oklahoma and New Mexico on a flat contract basis. Jack Zern and Jack Gregory of Altec closed the deal with Griffith officials.

Earl Gunther Dies

SEATTLE, March 9.—Earl O. Gunther, president of the local stagehands' union, died suddenly of a heart attack while at work backstage at the Fifth Avenue theatre. He was 54 years old. He is survived by his widow and a daughter.

Republic to Start Six Before April 1

HOLYWOOD, March 9.—Conferences this week between Herbert Yates and James R. Grainger, Republic president, were followed by an announcement today that the studio will place six new pictures in production before April 1 and start six more during the three weeks following. The studio has 33 writers on the lot engaged in the preparation of 18 more future productions.

Regular Stage Shows Not Planned in Akron

AKRON, O., March 9.—Despite the substantial gross on four days of "Folies Bergere" at Loew's, the first stage show at that house in three years, a regular stage policy will not be adopted, according to the management.

Loew's and the Palace, at Canton, likewise will not swing into the stage division as reported. Stage shows have been out at Canton for five years. The first runs play double features.

Fire Damages KC House

KANSAS CITY, March 9.—Fox Isis here was damaged by fire today, with damage estimated at $30,000. The circuit will use the Apollo, one block south, which has beeen dark, until the Isis is rebuilt.

'Crossroads' to Open

American premiere of "Crossroads," (Tri-National) a French production with English titles, will be held Monday at the Filmarte, following "Grand Illusion," which ends a run of 26 weeks.

M-G-M Buys 'Susan'

M-G-M has bought the screen rights to "Susan and God," Broadway stage play by Rachel Crothers. Produced by John Golden, the play ran for a full season.

'Honest Man' At $27,500 in 2 L. A. Spots

LOS ANGELES, March 9.—Dual of "You Can't Cheat an Honest Man" and "The Strange Case of Dr. Meade" was the leader of the week, with $27,500 in two spots, $14,000 at the Hillstreet and $13,500 at the Pantages.

"Pygmalion" is still going strong in its tenth week at the 4 Star, with $5,500. "The Little Princess" and "The Girl Downstairs" took $12,200 at the Chinese and $15,100 at Loew's State.

Estimated takings for the week ending March 8:

"The Little Princess" (20th-Fox)
"The Girl Downstairs" (M-G-M)
CHINESE — (2,500) (30c-75c) 7 days. Gross: $12,200. (Average, $12,500)
"Pygmalion" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 10th week. Gross: $5,500. (Average, $3,250)
"You Can't Cheat an Honest Man" (Univ.)
"The Strange Case of Dr. Meade" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $14,000. (Average, $6,500)
"The Little Princess" (20th-Fox)
"The Girl Downstairs" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $15,100. (Average, $14,000)
"You Can't Cheat an Honest Man" (Univ.)
"The Strange Case of Dr. Meade" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $13,500. (Average, $7,000)
"St. Louis Blues" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days 2nd week. Stage: Maxine Sullivan, F. & M. revue, Smith Ballew and orchestra. Gross: $12,000. (Average, $18,000)
"The Duke of West Point" (U. A.)
"Nancy Drew, Reporter" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) 30c-65c) 7 days. Gross: $12,000. (Average, $14,000)
"The Duke of West Point" (U. A.)
"Nancy Drew, Reporter" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days. Gross: $12,000. (Average, $12,000)

Prepares Bill for Will Rogers Stamp

CLAREMORE, Okla., March 9.—Congressman Wesley Disney of the First Oklahoma district is preparing a bill for introduction in Congress authorizing a Will Rogers memorial stamp issue.

This was revealed in a letter to C. A. DeBajligethy, president of the Oklahoma Philatelic Society, from Disney. The bill proposes that the stamp be issued in connection with the world philatelists' convention to be held in Tulsa, May 17 to 21.

Goldman Cuts Prices

PHILADELPHIA, March 9.—William Goldman has reduced matinee prices at his News Theatre to 15 cents in competition with Warners' Palace. The latter recently started a first run policy with prices cut to 26 cents at matinees and 42 cents at night. The News, which shows revivals and newsreels, holds to 26 cents at night.

Haller at 'Wind' Camera

HOLLYWOOD, March 9. — Ernest Haller today replaced Lee Garmes as chief cameraman on Selznick's "Gone With the Wind." Haller's previous familiarity with color process in use is given as the reason for a switch.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Feb. 3	North of Shanghai *Betty Furness* *James Craig*	Honolulu (G) (M) *Eleanor Powell* *Robert Young*	Navy Secrets (G) (D) *Fay Wray* *Grant Withers*	St. Louis Blues (G) (M) *Lloyd Nolan* *Lamour* (3822)	Home on the Prairie (G) (O) *Gene Autry*	Fisherman's Wharf (G) (D) *Bobby Breen* *Henry Armetta*	The Arizona Wildcat (G) (C) *Jane Withers* *Leo Carrillo*		Pirates of the Skies *Kent Taylor* *Rochelle Hudson*	Torchy in Chinatown *Glenda Farrell* *Barton MacLane*	Renfrew Saves a Lady (Renfrew Series) *James Newill* (Feb. 10)
Feb. 10	Texas Stampede *Starrett* *Meredith*	Adventures of Huckleberry Finn (G) (C) *Rooney* *Connolly*	Sundown on the Prairie (O) *Tex Ritter*	Persons in Hiding (G) (D) *Overman* (3823)	Woman Doctor (G) (D) *Inescort* *Wilcoxon*	Boy Slaves (G) (D) *Anne Shirley* *Roger Daniel*	Tail Spin (G) (D) *Alice Faye* *Bennett* *Charles Farrell*	Made for Each Other (G) (D) *Lombard* *Stewart*	The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne* *deHavilland* *George Brent*	
Feb. 17	My Son Is a Criminal *Alan Baxter* *Jacqueline Wells*	Fast and Loose (G) (C) *Montgomery* *Russell*	Little Pal (re-issue) *Mickey Rooney* *Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport (G) (D) *Paul Kelly* *June Lang*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers (G) (C) *Don Ameche* *Ritz Bros.* *Binnie Barnes*	King of the Turf (G) (D) *Menjou* *Dolores Costello*	You Can't Cheat an Honest Man (G) (C) *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	
Feb. 24	Let Us Live (G) (D) *Fonda* *O'Sullivan*	Let Freedom Ring (G) (D) *Eddy* *L. Barrymore* *McLaglen*	Star Reporter *Warren Hull* *Marsha Hunt*	One Third of a Nation (A) (D) Sunset Trail (3857) (G) (O)	I Was a Convict (G) (D) *MacLane* *Roberts*	Beauty for the Asking (G) (D) *Lucille Ball* *Knowles* *Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari* *June Gale* (931)		Society Smugglers (G) (D) *Preston Foster* *Irene Hervey* *Walter W. King*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	
March 3	Romance of Redwoods (O) *Bickford*	Pygmalion (G) (C) *Leslie Howard* *Wendy Hiller*	Mystery of Mr. Wong *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Madeleine Carroll* *MacMurray*		Twelve Crowded Hours (A) (D) *Richard Dix* *Lucille Ball*	Wife, Husband and Friend (G) (C) *Loretta Young* *Baxter*	Stagecoach (G) (O) *Claire Trevor* *John Wayne* *Andy Devine*	Risky Business *George Murphy* *Dorothea Kent*	Secret Service of the Air *Ronald Reagan* *John Litel* *Ila Rhodes*	
March 10	Blondie Meets the Boss (G) (C) *Arthur Lake*	Ice Follies of 1939 (G) (D) *Crawford* *Stewart* *Lew Ayres*	Mystery Plane (G) (D) *John Trent* *Polly Ann Young*	The Beachcomber (A) (C) *Laughton* *Lanchester*	Rough Riders Round-Up (O) *Roy Rogers* *Mary Hart*	The Saint Strikes Back (G) (D) *George Sanders* *Wendy Barrie*	Inside Story (G) (D) *Michael Whalen* *Jean Rogers*	Prison Without Bars (A) (D) *Corinne Luchaire* *Edna Best* *Barry Barnes*	Spirit of Culver (G) (D) *Jackie Cooper* *Bartholomew* *Andy Devine*	The Oklahoma Kid *Cagney* *Bogart* *Rosemary Lane*	
March 17	Lone Star Pioneers *Bill Elliott* *Dorothy Gulliver*	Sergeant Madden *Wallace Beery*	Trigger Smith (O) *Jack Randall*	King of Chinatown *Anna May Wong* *Tamiroff* *Naish*	My Wife's Relatives (G) (C) *Lucille, James and Russell Gleason*		The Little Princess (G) (D) *Shirley Temple* *Richard Greene* *Anita Louise*		Mystery of the White Room *Bruce Cabot* *Helen Mack*	Adventures of Jane Arden (G) (D) *Rosella Towne* *William Gargan*	
March 24	Whispering Enemies (G) (D) *Jack Holt* *Dolores Costello*	Within the Law *Ruth Hussey* *Rita Johnson*	Undercover Agent	Midnight *Colbert* *Ameche* *Lederer* *John Barrymore*		Flying Irishman (G) (D) *Corrigan* Trouble in Sundown	Everybody's Baby (A) (C) (*Jones Family*)		Three Smart Girls Grow Up *Deanna Durbin* *Winninger*	Blackwell's Island (G) (D) *Garfield* *Rosemary Lane*	
March 31	North of the Yukon *Starrett* *Winters*	The Kid from Texas *O'Keefe* *Florence Rice*	Streets of New York *Jackie Cooper*	Sudden Money *Ruggles* *Rambeau* Silver on the Sage	Mexicali Rose (O) *Gene Autry*	Almost a Gentleman *James Ellison*	Hound of the Baskervilles *Greene* *Rathbone*		Family Next Door *Hugh Herbert* *Joy Hodges*	On Trial *John Litel* *Margaret Lindsay*	
April 7	The Lady and the Mob (G) (C) *Fay Bainter* *Ida Lupino*	Broadway Serenade *MacDonald* *Ayres* *Ian Hunter*	Boys' Reformatory *Frankie Darro*	I'm From Missouri *Bob Burns* *Gladys George* *Judith Barrett*		Love Affair *Boyer* *Irene Dunne* *Lee Bowman*	Mr. Moto in Danger Island *Lorre* *Hersholt*	Wuthering Heights *Oberon* *Olivier* *Niven* *Flora Robson*	East Side of Heaven *Bing Crosby* *Joan Blondell* *Mischa Auer*	Dark Victory *Bette Davis* *George Brent* *Bogart*	

Out today

MOTION PICTURE HERALD

1939-40 Plans of Ten Companies Call for 489 to 503 Feature Productions

CBS Sets Up New Policy Covering Summer Schedules

CBS yesterday formulated a new policy governing summer radio vacations of evening advertisers. By the terms of the new policy CBS increases the annual extra discount which advertisers may earn by 52 weeks consecutive broadcasting to 12½ per cent of the gross time billing, and has reduced the weekly discounts by 2½ per cent.

Thus inducing its advertisers to continue broadcasting the year round, the new policy also provides for hiatuses during the summer, for advertisers using evening periods from 7 to 11 P.M., without forfeiture of time. Length of the lapse which will be accorded clients depends upon the size of the network they use.

A network of 40 to 45 stations earns a four-week break; 46 to 55 stations, five weeks; 56 to 70 stations, six weeks; 71 to 90 stations, seven weeks; 91 stations or more, eight weeks. Bonus stations, stations of the Canadian Broadcasting Corp. and other non-affiliated stations are not included in the computations. Smaller than 40-station networks are not eligible.

Advertisers desiring time held under the new terms must give the network 45 days' notice in advance, and at the same time, a firm order for resumption of activity in 13-week cycles with a satisfactory network after the vacation period.

Adoption of the new policy thus ends the practice whereby CBS allowed its clients to vacation from the air for the summer, with the network

Pick Group to Steer Liquor Ad Ban Bill

WASHINGTON, March 9.—Chairman Wheeler of the Senate Interstate Commerce Committee today appointed Senators Andrews, Fla.; Johnson, Colo., and Gurney, S. D., as a subcommittee in charge of the Johnson bill prohibiting radio advertising of liquor.

The subcommittee is expected to hold hearings on the bill in the near future, with officials of the Federal Alcohol Administration, who annually have recommended such legislation, leading the drive for enactment of the measure.

One-Man Station

Des Moines, March 9.—Ray Stauffer, WHO engineer, was the only engineer able to report for duty at 6 A. M. during the recent blizzard and, owing to the fact that Jack Kerrigan, announcer, did not arrive until two hours after the sign-on, Stauffer did a real job between studio and control room.

In addition to his engineering work he announced shows, engineered transcriptions and announced the flood of notices of closed schools, meetings postponed and the like. WHO was the only station performing that service as the others were off the air because of the storm.

Radio Personals

H. V. KALTENBORN, CBS news analyst, has been awarded an honorary degree of doctor of laws by the University of Wisconsin . . . A. D. Willard, Jr., general manager of Columbia's Washington station, WJSV, is the father of an eight-pound boy, born Wednesday . . . Hugh Haley will be guest on the Jack Haley show Wednesday . . . Parks Johnson and Wally Butterworth to Baltimore as guests of the Retail Druggists of that city . . . Owners of "White Banners," the T. W. Radio Productions, are making ready another package show for sponsors. It's "Magnificent Obsession."

✚

Paramount's Binnie Barnes will be interviewed by Radie Harris over Mutual tonight, and Arthur Jacobson, of the same studio, is submitting to a grilling by Sam Taylor on the latter's WHN program. . . . Tallulah Bankhead is booked for a guest shot on the Kate Smith show next Thursday. . . . An emergency appendicitis operation sent Young and Rubicam producer Tom Lewis to the hospital yesterday (he produces the Screen Actors' Guild show) and Harry Ackerman, of the same agency, and also a production man in the Hollywood office, has suffered a nervous collapse. . . . In the New York shop of Young & Rubicam, Jack Van Nostrand now is in charge of production on the Phil Baker show, while Ben Larson has been shifted in charge of production on the Eddie Duchin program.

Cut in WLW Power Brings Rate Change

CINCINNATI, March 9.—Effective with the reduction in power of WLW from 500,000 to 50,000 watts, a new scale of rates was put into effect.

The rates are, basic evening hour, $1,080; half-hour rate, $720; quarter-hour rate, $480.

CBS Buys Building Opposite Quarters

CBS has purchased from the Juliard Musical Foundation the seven-story building across the street from the present CBS headquarters. CBS will remain where it is and use the building acquired for the extension of its studio facilities.

Price of the purchase is not revealed, but the building is assessed at $380,000 and the land at $250,000.

WKBO Joins NBC

WKBO, Harrisburg, Pa., has joined NBC as an optional station available either to the Blue or Red network. The station is to be sold only with WORK, York, and WGAL, Lancaster. Owned by the Keystone Broadcasting Corp., WKBO operates on 1,200 kilocycles, 250 watts day power, 100 watts at night.

To Air Mexican Music

MEXICO CITY, March 9.—Radio is to be used by the National University of Mexico to make the world acquainted with leading Mexican musical composers.

CBC in Agreement On News Coverage With Canada Press

MONTREAL, March 9.—For the handling of news on the radio, Canadian Broadcasting Corp. has drawn up a new agreement with the Canadian Press. In many ways the agreement is identical to the one negotiated between Associated Press and NBC and CBS. Keynote of the scheme is the ruling against allowing newscasts to be used as commercial programs.

For five years Canadian Press has supplied the old Radio Commission and its successor, CBC, with a limited bulletin service free. With the new agreement CP will put all its daily news at CBC's disposal. The latter may do its own selecting and editing, or Canadian Press will handle the job at a cost estimated at $20,000 a year. CBC, it is expected, will buy this service from CP until it can arrange its own staff.

CBC is limited to using news on aural broadcasts only (facsimile and television broadcasting are out). News programs also may be supplied by CBC to private stations owned or controlled by member newspapers of Canadian Press "at cost" and with the stipulation that they are for sustaining use only.

Lorillard Signs for Series on NBC-Blue

P. Lorillard Co. for Old Gold Cigarettes, has signed for a series on the NBC-Blue, starting May 23, and Tuesdays thereafter from 9 to 9:30 P.M. Old Gold currently is sponsoring a series over CBS with Bob Bencheley. Lennen & Mitchell placed the NBC contract, which is for one year.

The Tuesday 9 to 9:30 P.M. period on the Blue is currently taken up by MacFadden's "True Story" program, but the latter will drop to the 9:30 to 10 P.M. period when the Old Gold show moves in.

Ernie Hare Dies at 55

Ernie Hare, a radio veteran and partner of Billy Jones, died yesterday in the Queensborough General Hospital of complications arising from pneumonia. He was 55 years old. Known as "The Happiness Boys," Jones and Hare were early network favorites. For the past year their program had appeared on WMCA.

Crash Fatal to Stadler

MONTREAL, March 9.—John Stadler, executive assistant to Dr. August Frigon, assistant general manager of CBC, was found dead in the wreckage of a plane he had chartered, between here and Quebec yesterday. Stadler, who was located in Montreal, was virtually in charge of CBM and CBF here.

Flynn Signed by NBC

John T. Flynn, well known author and newspaperman, has been signed as a regular commentator by NBC and will start a once weekly series on March 14 from 7:30 to 7:45 P. M. on the Red.

Banner LINES

FOR 10 years Carol Nye worked as a radio editor on the coast, and for the past year with the Earl Ferris publicity office in Hollywood. Yesterday came the startling news that he has been signed by Selznick to play the part of Scarlett O'Hara's second husband in "Gone With the Wind."

Cautious Carol, however, hasn't quit the Ferris office. He's taking leave of absence—just in case he's a flop as an actor.

▼

There's a strict network law forbidding the broadcasting of personal greetings. NBC officials, monitoring the midnight west coast repeat of the Fred Allen broadcast the past Wednesday were quite upset, therefore, when they heard someone broadcasting an endearing greeting direct to Alice Faye. They tore up to the studio where they found Tony Martin at the mike still broadcasting to wife Alice. Martin wasn't scheduled to appear on the Allen show. He had dropped into the studio for the Allen repeat and when Fred spotted him in the audience he had him brought to the stage. Alice is ill, and when Fred asked Tony to say something, he addressed his wife by name and urged her to get well.

▼

Swing Club, as intimated here some days ago, is being dropped by CBS. But Mutual, knowing a good show when it hears one, is making hurried plans to present a weekly swing session over its network—which is astute programming. CBS is going to awake too late to the fact that it's allowed one of its most entertaining sustaining shows to slip away.

▼

One picture person who has the utmost faith in television's imminent appearance is Bryant Washburn. He's boning away on the subject because, he says, he wants to get in on the ground floor when the break comes.

▼

Elliott Roosevelt, like his illustrious dad, knows how to fence expertly with the press. Spotted at Ernie Holst's opening at the Glass Hat night before last, Elliott was asked by this department to expound on some of the things he talked about before the F.C.C., but he merely smiled politely and said he was enjoying the show. Incidentally, that was a fine turnout Ronnie Ames corralled for Holst's opening. In addition to Roosevelt, the room housed Col. Roscoe Turner, Rudy Vallee, Tony Martin, Sammy Kay, Ed De-Lange, Bert Lown, Henry Busse, Fredric March and Edward Arnold.

—JACK BANNER

WHO Facsimile Set

DES MOINES, March 9.—WHO Radio-Foto News. a facsimile experimental broadcast, has gone on a three-times-a-week basis. The broadcast is under the direction of Paul Loyet.

WHN on Air Earlier

WHN will start its daily schedule 15 minutes earlier than usual, starting Monday, when the station goes on the air at 6:45 A.M.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 48 NEW YORK, MONDAY, MARCH 13, 1939 TEN CENTS

Warners Set 48 Features Next Season

1939-1940 Convention Is Under Way Here

J. L. Warner, vice-president in charge of production, will describe the coming season's plans in detail to the Warner sales convention at the Waldorf-Astoria today. The program calls for 48 feature pictures.

Of the 48 features planned for 1939-'40, 36 are classified as "A" and 12 as "B."

The full list of pictures announced is as follows:

"The Life of Beethoven," starring Paul Muni.

"The Sea Hawk," from the romance by Rafael Sabatini, starring Errol Flynn with Olivia de Havilland.

"The Knight and the Lady," co-starring Bette Davis and Errol Flynn in a production based on the Broadway play by Maxwell Anderson dealing with the story of Queen Elizabeth.

"All This and Heaven, Too," from the best-selling novel by Rachel Field, starring Bette Davis with George Brent.

"The Old Maid," from Edith Wharton's story, co-starring Bette Davis and Miriam Hopkins, and featuring Humphrey Bogart.

"Brother Orchid," starring Edward G. Robinson in Richard Cornell's story.

"The Moon and Sixpence," from W.

(*Continued on page 7*)

Anti-Ascap Bill in Arkansas Defeated

LITTLE ROCK, March 12.—Arkansas' anti-Ascap law was defeated when it came to a vote in the house here on Friday. The measure, which would have imposed restrictions on the music licensing society which would prevent it from operating within the state, had been passed by the senate.

Decisions of the U. S. Supreme Court on the constitutionality of the Florida and Washington anti-Ascap laws may be handed down today in Washington. If so, they are expected to establish precedent on the constitutionality of other Ascap legislation.

NBC Rejects Ickes Talk, CBS Takes It

New York Newspaper Guild on Friday requested air time of NBC for a speech on the press to be made by Secretary of Interior Harold S. Ickes. The request was turned down, but CBS has agreed to carry the speech and has submitted a number of open dates to Ickes.

Producer, Director Pact Gets Approval; To Sign This Week

HOLLYWOOD, March 12.—Approval of the basic agreement between producers and the Screen Directors Guild has been announced by the Producer Committee composed of Joseph M. Schenck, Darryl Zanuck, E. J. Mannix and Hal Wallis. Signing of the pact, on which both sides expressed complete agreement, will follow this week.

The terms agreed upon provide for directors having more time in preparation of scripts before shooting starts, more voice in cast selection and in the final editing of pictures. Minimum wage scales for assistant directors and unit managers also were agreed upon.

Raymond Bill Named RKO Board Nominee

Raymond Bill, prominent trade paper publisher, was proposed to Federal Judge William Bondy as a director of RKO, in place of Ferdinand Eberstadt, by Col. Hamilton C. Rickaby, attorney for Atlas Corp., in a letter filed Saturday in the U. S. District Court. Mr. Bill's name was suggested, the letter stated, by the Schine Committee of Minority Stockholders who had previously opposed Mr. Eberstadt, and that Mr. Bill was satisfactory to "holders of a substantial majority in interest of voting securities to be issued" by the new RKO company.

Attached to the letter, copies of which have been forwarded to all interests in RKO, was a list of Mr. Bill's qualifications, which briefly are:

Chairman, director and treasurer of Bill Bros. Publishing Corp. and an officer in three other trade paper publishing houses; president of Sales Management, Inc.; director of Waynesboro Publishing Corp.; owner of Waynesboro-News-Virginian; director of Congressional Intelligence, Inc.; director of Trust Co. of Larchmont, and vice chairman of the National Federation of Sales Executives.

Republic Plans 60 Features, Westerns, 4 Serials This Year

HOLLYWOOD, March 12.—Republic plans to produce 60 pictures, features and westerns, and four special serials for the 1939-'40 season.

In disclosing the schedule Herbert J. Yates said that Republic will abolish low budget pictures. There will be four anniversary specials budgeted at about $750,000 each, he said. Others listed were:

Six de luxe jubilee specials; 16 jubilee productions; eight Roy Rogers westerns; eight Gene Autry musical westerns and eight "Three Mesquiteers" westerns. Last year's low priced group known as the Showmen's Group is eliminated.

The decisions on higher budgets after Yates, James R. Grainger and M. J. Siegel, studio head, following conferences, had viewed a rough cut of "Man of Conquest," highest budgeted Republic production to date.

Silverstone on Way West with Schwartz

Maurice Silverstone, United Artists chief executive, and Charles Schwartz, counsel and member of the board, left for the coast Saturday by train, to be gone several weeks.

While they will confer with United Artists producers on current and next season's production plans, it is also possible that important meetings of the company's directors or stockholders may be held during their coast visit.

Mary Pickford, Douglas Fairbanks, Samuel Goldwyn, Charles Chaplin and James Roosevelt are other United Artists officers already on the coast.

Monogram Speeds Production Activity

HOLLYWOOD, March 12.—With two films in the cutting room, five ready for shooting and four being scripted, Monogram production activity goes into high this week.

Finished are "Streets of New York" and "Undercover Agent." Ready for the cameras are "Boys' Reformatory," "Wolf Call," "Stunt Pilot," "Murder in the Big House" and "Freckles Comes Home." Scripts are being readied on "Prison Born," "Riders of the Rio Grande," "Mr. Wong in Chinatown" and "The Girl from Rio."

N. Y. Sunday Show Bill

ALBANY, March 12.—A bill to permit 20 per cent of qualified voters of a village to petition for a vote on Sunday shows has been introduced in the Assembly.

MPTOA Asks Film Quality Improvement

Controversial Subjects Should Be Avoided

New and improved product which, however, should avoid controversial themes is asked by the M.P.T.O.A. in the national exhibitor organization's monthly bulletin, issued for publication today.

"There is considerable room for improvement (in current product)," the bulletin, which is signed by E. L. Kuykendall, M.P.T.O.A. president, says. The needed improvement, he continues, is "not so much in the technical field as in supplying audiences with genuine entertainment."

"We are not asking that entertainment pictures be used to crusade for any pet causes, however burning or worthy. Theatre audiences don't like sermons, lectures or debates. They want a good story, well told, and not a dirty story, either."

"We think the studios know this and will be able to solve the problem presented, and that the really fine, intelligent pictures with a wide appeal

(*Continued on page 7*)

Paris Bill Would Limit U. S. Films

Paris, March 12.—Serious restrictions will be placed on the distribution of American films in France if a measure for the reorganization and assistance of the French film industry is adopted in Parliament in the form proposed yesterday by Jean Zay, Minister of Education.

The bill is patterned in some respects after measures enacted in Germany and Italy to foster domestic film production in those countries. It would impose a heavy dubbing tax on American and other imported pictures and also would prohibit double feature programs. The latter restriction would seriously affect the market for American films as many French theatres use Hollywood product as the second feature with a French production. This is particularly true since the improvement of French picture quality in recent years.

Zay's measure has the approval of the Cabinet.

Purely Personal

EARLE W. HAMMONS, Educational-Grand National head, has extended his stay on the coast again. Expected back in New York today, Hammons will not be here now before the end of the week.

•

W. J. HEINEMAN, Universal western division sales manager, is making a tour of his territory prior to returning to New York from recent product conferences at the studio.

•

WILLIAM SUSSMAN, eastern division manager for 20th Century-Fox, has returned from branch sales meetings in Cincinnati, Cleveland and Pittsburgh.

•

W. J. KUPPER, 20th Century-Fox western division manager, is on a tour of western exchanges. He is due this week from Los Angeles.

•

LAUDY LAWRENCE, M-G-M manager for continental Europe, sailed Saturday on the *Paris* after several weeks here and in Hollywood.

•

MURIEL SINNOTT of Paramount's New York exchange is convalescing in the Brooklyn hospital following an appendicitis operation.

•

NORMA TERRISS, JUNE WALKER, HELEN FORD and J. FRED COOTS sailed Saturday on the *De Grasse* for a West Indies cruise.

•

HARRY M. BESSEY, secretary-treasurer for Altec, has returned to New York from a five-week trip to the coast.

•

TED O'SHEA, eastern district manager for M-G-M, is expected back today from a three-week Florida vacation.

•

AL HERMAN, Universal district manager, returns from a West Indies vacation today.

•

SYDNEY SAMSON, Buffalo manager for 20th Century-Fox, has recovered from the flu.

•

SI SEADLER, M-G-M advertising manager, returns today from the coast.

•

LINCOLN BURROWS of Eastman Kodak is cruising in the Carribean.

•

VICKI BAUM sailed Saturday for London.

Eugene Zukor Ready To Start First Film

Hollywood, March 12.—Eugene Zukor has completed his cast for "North of Singapore," his first venture as a film producer, by signing Ernest Truex. Also featured in the Paramount picture, which stars Anna May Wong, is Eric Blore, who replaces the late Herbert Mundin, killed recently in an auto crash.

Insiders' Outlook

By SAM SHAIN

WE give you Warner Bros. today. Elsewhere in this issue you will find an account of the company's convention which is now being held here.

▼ ▼

It's a long haul from the day in 1903 when H. M. Warner, president of Warners, led his brothers into new pastures by forsaking a bicycle shop in Youngstown, Ohio, to open a motion picture theatre, the Castle, in Newcastle, Pa. . . . Pioneer then, he has continued to blaze new paths. Foresight and courage were his when he hitched his wagon to a dim and nebulous star called talking pictures and succeeded in revamping and revitalizing an industry. . . . Latest reward for his initiative is the special Academy Award in acknowledgement of the documentary color shorts dealing with vital episodes in American history, such as "Declaration of Independence," "Give Me Liberty." . . . . . First bid for financial success by H. M. and his brothers was filming of Ambassador James W. Gerard's book, "My Four Years in Germany," box-office smash of its day. Was a tip-off to consistent policy of producing topical, headline entertainment.

▼ ▼

When the Warner brothers' Castle Theatre opened, Jack L. Warner, the youngest, now Warner vice-president in charge of production, had an important function. He was the second feature on the bill, singing illustrated songs. . . . Guiding light in W. B. production, he is responsible not only for the caliber of his company's product, but has served as discoverer and developer of some of the industry's top producers. Producer of producers, Jack can take particular pride in the special Irving Thalberg Award just presented to his associate executive, Hal B. Wallis. . . . Beside heading W. B. feature production he also personally supervises the making of much of Vitaphone's short product.

▼ ▼

Gradwell L. Sears, general sales manager for Warners and president of Vitagraph, Inc., got his first taste of the business in 1911 when he broke the monotony of attending high school by being a motion picture operator. . . . Three years ago the Warner exchange heads voted unanimously to call their annual sales campaign the "Sears Drive," a sincere tribute to one of the industry's most dynamic and best-liked sales executives. . . . Current and third edition of this drive, now in session at the Waldorf-Astoria, is said to be certain of eclipsing last year's efforts, a previous high. . . . Best way to get a line on Sears is to talk to salesmen around the country, to exhibitors and others who know him well. With all of them he's tops.

▼ ▼

Hal B. Wallis, Warner associate executive in charge of production, has just won the highly coveted Irving Thalberg Academy Award, which carried with it the honor of having attained the most consistent level of high quality production in the film industry. . . . Typical of the features which earned for Wallis this high distinction were: "Four Daughters," "Brother Rat," "Angels With Dirty Faces," "Dawn Patrol" and "The Sisters." Previous great films produced under his supervision included: "The Life of Emile Zola," "Story of Louis Pasteur," "Little Caesar." . . . He points to the new-season product of W. B. and says it will beat anything the studio has yet done.

▼ ▼

Charlie Einfeld is one of the industry's leading executives. . . . As advertising and publicity director for Warners, he has contributed many of the industry's outstanding promotional campaigns. . . . As a specialist who paradoxically makes every phase of the film business his business, he infuses his work with the "long view" which embraces new horizons, untapped ideas. . . . Famed is his "42nd Street" coast-to-coast train, corralling unprecedented public attention; typical Einfeld sockeroo will be convergence of press guests from every section of the nation upon Dodge City. . . Fitting his advertising campaigns to W. B. product, which frequently hits off-the-track themes and consequently won't respond to standard ad motifs, he has succeeded in sounding new notes in both trade and consumer copy.

▼ ▼

As vice-president and treasurer of Warners, Albert Warner is guardian of the treasury. . . . A glance at his previously manifested talents for sales and figures explains it all. . . . When the brothers opened their first theatre Albert was ticket seller and financial wizard. . . . When the brothers opened their first film exchange Albert was the firm salesman. . . . When Warner Features was set up, again it was Albert who swung the sales. . . . He had much to do with the mechanics of setting up the stock structure of Warner Bros. Pictures, Inc., and while he still guides the company's financial operations he continues to show an active interest in sales.

▼ ▼

Assistant general sales manager Carl Leserman of the W. B. forces is the proverbial right-hand man. . . . He does a two-fisted job, alongside Boss Grad Sears, in welding together the sales efforts of the west, south, east and north divisional groups. . . . Whether by personal hops to key points or by wire or typewriter he helps to keep the arteries of the W. B. national network flowing smoothly.

▼ ▼

As eastern director of advertising and publicity for W. B., Mort Blumenstock presents a rich background. . . . Before his appointment to his present spot, he was in charge of advertising and publicity for Warners' 400 theatres, under Joseph Bernhard, theatre head. . . . Before that he worked with a megaphone, directing the late Jeanne Eagels and Eddie Cantor, among others; handling directorial assignments for Paramount, and other companies. . . . Also original scenarios for Columbia and Universal. . . . Steeped in the problems of the exhibitor and the down-to-earth facts of selling through the printed word, Mort is famed for a bright and fresh approach to advertising, exploitation and other phases of publicity and ballyhoo.

Film Group Named In Catholic Drive

Motion Picture Committee of the 1939 Catholic Charities Drive has been named by John J. O'Connor, chairman, general manager of RKO Theatres.

The committee includes: Harry D. Buckley, Pat Casey, H. M. Doh[illegible], E. C. Grainger, J. R. Grainger, Martin C. Keough, E. L. McEvoy, Charles E. McCarthy, Joseph McConville, C. B. McDonald, John Murphy, William J. Neary, Dennis F. O'Brien, Charles L. O'Reilly, P. A. Powers, William T. Powers, Martin Quigley, William F. Rodgers, George J. Schaefer, William Scully, Gradwell Sears, George Skouras, W. G. Van Schmus, Frank C. Walker, treasurer, George C. Walsh and George W. Weeks.

In tribute to the late Patrick Cardinal Hayes, who founded the charities in 1920, this year's campaign will be known as the Cardinal Hayes Memorial Appeal. The committee has indicated that contributions may be sent through any member of the committee, checks being made payable to Frank C. Walker, treasurer.

Benchley Starts on 3 Shorts March 20

Production on three Robert Benchley shorts for M-G-M will be started Monday, March 20, at the Eastern Service Studios under the direction of Roy Roland. Paramount also will utilize Eastern Service Studios to shoot eastern tests here under supervision of Arthur Jacobson and Boris Kaplan with Les Fuller, directing.

Rites for Dr. Payette

WASHINGTON, March 12.—Funeral services were held here yesterday for Dr. George N. Payette, 79, father of John J. Payette, Warner Theatres zone manager here. Dr. Payette, retired physician, died in Garfield Hospital Thursday of a streptococcus infection. Burial was in Mt. Olivet Cemetery. Besides John, he is survived by another son, two daughters and 11 grandchildren.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1; cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



Bigger than Angels!

Warners can't make all the pictures--so they only make the Best!

Hitchcock Urges Film Melodrama

NEW HAVEN, March 12.—Declaring that "melodrama is the mainstay of motion picture material and the natural material of films," Alfred Hitchcock, British director addressing the Yale drama department here, decried the fact that the "craft of good story-telling has been lost, since the writer of today concentrates more on character portrayal."

"However," he said, "the trend is toward blending character into action melodrama," which he asserted is a difficult problem since "character is delineated through dialogue, which tends to slow up the pace."

He emphasized the importance of suspense in holding audience attention for the 80 minutes or more of a feature, since the normal attention span is much less than this. He described his own method as, first, taking a number of backgrounds or events he would like to see in a film, then working out a major theme, then a plot shape, and, lastly, characters to motivate the whole.

Barbara Silverstone Undergoes Operation

Barbara Silverstone, daughter of Maurice Silverstone, operating head of United Artists, was stricken suddenly late Wednesday and underwent an emergency operation for appendicitis at Mt. Sinai Hospital.

The child was stricken while the Silverstones were at the theatre with friends. They were summoned from the theatre by the child's nurse. The operation was decided upon after speedy consultation with specialists, and the parents went with the child, remaining at the hospital until after it was accomplished.

The child is recuperating nicely and is on her way to recovery.

Detroit Leading in RKO Sales Drive

Detroit exchange continued to lead in the George Schaefer sales drive of RKO, as the campaign concluded its fifth week among the 38 branch offices in the United States and Canada. J. Sharkey heads the Detroit office.

In the stcond place is New Haven, managed by Barney Pitkin, and third is Albany, where B. G. Kranze is manager. The western district is leading the seven districts, and the eastern division is ahead of the western.

Biographical Films To Play a Big Part

Emphasis on biographical material is indicated in films announced by Warners for the 1939-'40 season. These include:

"The Life of Beethoven," starring Paul Muni; "The Knight and the Lady" co-starring Bette Davis and Errol Flynn; "The Life of Knute Rockne"; "John Dillinger, Outlaw"; "Disraeli," starring Claude Rains; "The Story of Dr. Ehrlich," starring Edward G. Robinson; "The Adventures of Don Juan," starring Flynn.

New York Review

"The Oklahoma Kid"

(Warners)

Swift in action as the stampede of settlers to the Cherokee Strip. Smooth as James Cagney's acting. Suspense that turns the palms of hands moist. Stirring as the incidental music of Max Steiner. That's "The Oklahoma Kid."

Thrill-packed and with Cagney at his best, the picture has box-office and customer appeal of the highest order.

Cutting alliteration and superlatives, three who helped make the picture, along with Cagney of course, are Lloyd Bacon, who did a grand job of direction in keeping the action at top pitch; Humphrey Bogart, who out-villained his best previous villain, and Donald Crisp.

That scene in which Crisp, as the Oklahoma judge, says when told that Cagney as "The Kid" is out to get his father's killers: "I don't know whether to say go get the 'Kid' or 'Kid, go get the killers,'" is good.

The story, as would be expected, gets away from the plot formula for westerns despite the fact that the picture is a western to the last pistol shot.

Hugh Sothern and his son, Harvey Stephens, are leaders of a band of pioneers on their way to stake claims in the Cherokee Strip, the year being 1893. Bogart and his henchmen get the jump and Sothern is forced to accept a deal in which Bogart gets the gambling concessions in the town to be built.

When Sothern tries to enforce law and order Bogart frames him and he is taken from the jail and hanged by a mob incited by Bogart. News of this reaches "The Kid," Cagney, and he sets out to avenge the lynching of Sothern, who, as it very plausibly turns out, is his father. He does, getting each of the lynching ringleaders in turn.

Love interest is provided, and most satisfactorily, by Rosemary Lane's romance with Cagney

Drama drips from the Cagney portrayal. There is a good chuckle here and there, and good acting abounds.

Warren Duff, Robert Buckner and Edward E. Paramore did the screenplay from an original story by Paramore and Wally Klein.

Running time, 80 minutes. "G."*

*"G" denotes general classification.

Hollywood Preview

"Dark Victory"

(Warners)

HOLLYWOOD, March 9.—Bette Davis' first vehicle to be released since winning the Academy Award for 1938 might well have been made in anticipation of that distinction. It is precisely such a picture as an executive producer like Hal Wallis, himself an Academy Award winner of even date and rightfully entitled to his own marquee billing, might be expected to furnish exhibitors and customers properly expectant of seeing Miss Davis exercise her histrionic talent to the full. That is to say, the film is designed in every particular, story, direction and enactment, to display the star's twice-crowned virtuosity. Miss Davis' performance in it is triumphant, declared by many witnessing the Hollywood preview her best work.

The story of "Dark Victory" is an essentially somber recital of a spirited young woman's reactions to the knowledge that she is victim of an incurable affliction and certain to die within a year. She is first rebellious, then consents to an operation which she believes for a time has cured her permanently. She blissfully plans marriage with her doctor, then breaks with him and dissipates recklessly on learning that he knows but has not told her she has only a few months to live. Rebounding from this, she marries him and they live happily together until death, which she meets bravely, comes.

Casey Robinson's screenplay, from the play by George Emerson Brewer, Jr., and Bartram Bloch, and Edmund Goulding's direction are all for Miss Davis' and, thereby, the box-office's benefit. George Brent plays the doctor and husband intelligently. Humphrey Bogart and Geraldine Fitzgerald are the secondary principals. A typically rounded Warner supporting cast assists.

Running time, 105 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Economic Unit to Report Next Year

WASHINGTON, March 12.—Temporary National Economic Committee hopes to make its final report at the opening of the next session of Congress, it was said by Chairman O'Mahoney and Vice-Chairman Sumners following a visit to the White House, where financing of the monopoly investigation was discussed with President Roosevelt.

The heads of the committee explained that the resolution under which it operates requires the committee to make its report at the end of two years and that various executive agencies which are represented on the group have submittted estimates which are now under consideration to carry the work of the committee through until Dec. 31, 1940.

However, it was said, the committee hopes to conclude its investigation by the end of this year, and in the near future bills will be introduced authorizing the expenditure of $2,000,000 in the inquiry, only $600,000 of which will be asked for immediate appropriation. If the committee finds itself unable to complete the work by Feb. 1, next, the remaining $1,400,000 will be asked.

Universal Promotes 3 in Branch Offices

Three promotions in Universal branch offices were made known over the weekend at the home office. Those advanced are G. C. Craddock, former manager of the Portland exchange, who has been appointed manager of the Indianapolis exchange, succeeding Floyd Brown, resigned; R. O. Wilson, salesman in the Portland territory for the past four years, was named manager, succeeding Craddock.

Also, W. M. Richardson, formerly manager of the Charlotte branch and who has been on a special assignment for District Manager Harry D. Graham in Atlanta, was named branch manager at New Orleans.

Employers Allowed Deduction on Taxes

CLEVELAND, March 12.—Taxes paid by the employer for federal and state unemployment compensation and for federal old age insurance are deductible as expenses from the income tax return, according to the bulletin of I. T. O. of Ohio. Taxes paid by employes for this purpose may not be deducted, however.

Will Televise Fight

LONDON, March 12.—Monseigneur and Marble Arch Theatres here have obtained permission of the British Broadcasting Corp. to telecast the Gains-Harvey prize fight on March 16, using the Scophony System.

'Juarez' May Be Done in 2 Parts

The double feature practice is bothering Warners, for it is an obstacle to making the fullest use of the bigness and sweep of "Juarez" in one feature. It may, therefore, be made in two parts.

1,060 ADULTS

133 CHILDREN

WAIT IN LINE FOR DOORS TO OPEN AT

ROXY, NEW YORK

FOR

"THE LITTLE PRINCESS"

What adult appeal!

●

We told you **about Boston, Toronto, San Antonio, Los Angeles, Richmond! Opening-day reports indicate the New York run will be** ***the most sensational of all!***

20th CENTURY FOX

THE KEYSTONE
OF YOUR FUTURE

Distributors Will Have Draft of Pact Ended This Week

Distributors' drafting committee of lawyers expects to have the draft of the trade practice program completed this week. The proposals for arbitration machinery are not finally set and will be subject to further consideration.

A meeting will be held with Abram F. Myers, Allied general counsel, to further discuss arbitration principles and procedure. A date for the conference is not set. When the program will be submitted to exhibitors is also indefinite.

Col. H. A. Cole, Allied president, in a statement issued to trade papers, charges that "casual remarks made in conversations with trade paper representatives have been misinterpreted" and it therefore "becomes necessary that a formal statment to clarify my position be made."

Cole's statement continues: "I certainly have not stated that Allied's position is one of 'no further negotiation.' I did state that, since the distributor representatives had said at various times of late that they could go no farther in the matter of concessions, there was no further need at this time for further conversations between our committee and theirs; also that the authority of our committee lapsed as of March 1 by resolution of our board. I did not state that our counsel, Mr. Myers, would not visit New York to confer with the distributors' attorneys, regarding the wording of proposals made, but did state that I knew of no specific date set for such a meeting.

"After all these years, Allied's position on negotiation should be well known. We stand ready at any time to negotiate with those in authority regarding fair trade practices, if and when there is definite reason to believe that substantial results can be obtained warranting the time and effort expended."

Three Radio Bills Put Up In Massachusetts

BOSTON, March 12.—Three bills for the regulation of radio in Massachusetts have been introduced in the State Legislature. The first, planned to create a three-man commission to license and regulate all stations, by which the board would have the power to fine to the extent of $5,000 for failure to obtain a license, has been withdrawn. The second bill, just introduced, would restrict broadcasting of horse racing notes and results to days when racing is held in the state. This would seriously affect stations here and they have started a concerted campaign, both over the air and otherwise, asking listeners to write and protest the bill.

Still pending is a bill to require stations to submit in advance transcriptions of political and public affair programs. Stations would be compelled to shut off the air speakers who deviated from their scripts.

Para. Retitles Film

HOLLYWOOD, March 12. — "Million Dollar Legs" is the final title for Paramount's picture starring Betty Grable.

Dickinson-Griffith Deal Reported Set

Oklahoma City, March 12.—The deal between Glen Dickinson and R. E. Griffith for joint operation of 30 Dickinson theatres in Kansas and Missouri is reported completed. It is understood the houses will be operated on a 50-50 basis. Although the R. E. Griffith circuit was concerned in the deal, the Griffith Amusement Co. was not, according to its officials here.

Canadian Commons Approves Bill for National Film Board

OTTAWA, March 12.—A bill for the establishment of a national film board, empowered to review and report on Government film activities and to discharge other duties assigned it has passed the first reading in the House of Commons.

Trade Minister Euler, who presented the resolution for the bill, said the board would not only improve the distribution of Government films but would initiate work on national films that no one department of the Government could rightly undertake. Euler defended the present Canadian Government film bureau but said the new board would increase the efficiency of the bureau.

H. H. Stevens saw a trend towards an expensive Government commission. "If this goes through I warn you that in five years we will have another radio commission with expensive offices and large staff." A suggestion that some of the films produced should have bilingual titles was made by Wilfrid La Croix and Euler said the board would consider it.

WKAQ, Puerto Rico, Joins CBS Network

WKAQ in Puerto Rico yesterday joined CBS, the 115th station of the network, and the addition was celebrated with a special program which featured talks by Ernest Gruening, director of the Territories and Island Divisions, Department of the Interior, and Governor Blanton Winship of Puerto Rico replying from Juan.

Two more stations, WRBL in Columbus, Ga., and WWMC, Asheville, N. C., are next in line for inclusion in the CBS chain. The Columbus station joins March 15 and Asheville on April 1.

Nebraska Radio Bill Hearing Tomorrow

OMAHA, March 12.—A legislative committee will hold hearings in Lincoln Tuesday on a bill aimed at WOW and the Woodmen of the World Life Insurance Co. The bill, if granted, would prohibit insurance companies from owning or operating a radio station except in the furtherance of its own business in Nebraska.

National Theatres Plan Sales Drive

National Theatres' first Spyros Skouras Spring Showmanship drive will start April 1 and continue for 13 weeks. Cash prizes aggregating $15,000 will be distributed among district and theatre managers on the basis of the highest business increase during the period.

Plans for the campaign, which is in the nature of a tribute to the operating head of National Theatres, were made at a meeting of division managers and department heads here late last week.

Attending the meeting were: Charles Skouras, Fox West Coast; Arch Bowles, San Francisco; E. C. Rhoden, Kansas City; Frank Newman, Seattle; Rick Ricketson, Denver; H. J. Fitzgerald, Milwaukee; Mike Rosenberg, Los Angeles; David Idzal, Fox Theatre, Detroit; J. J. Sullivan, F.W.C. film buyer, and others.

Seeks End of $2.50 Radio Fee in Canada

OTTAWA, March 12.—The House of Commons radio committee has been notified by Paul Martin, M.P., that he intends to move for abolition of the $2.50 license fee collected from receiving set owners.

Although consideration of the proposal was put off Transport Minister C. D. Howe, who has jurisdiction over radio, requested the committee to make a decision before March 25.

Martin said that the license fee is prejudicing the interests of the Canadian Broadcasting Corp. Last year, he added, CBS derived $2,700,000 from the licenses.

Radio Amendment Offered at Albany

ABANY, March 12.—An amendment to the Civil Practice Act which affects radio was introduced in the lower house by Assemblyman Moffat of Manhattan. It extends to radio broadcasters the same privilege on libel or slander actions as possessed by newspapers when "a fair and true report of any judicial, legislative or other public and official proceedings" is carried.

Colgate Increases Web

Colgate - Palmolive - Peet will increase by 22 stations the CBS network carrying two of its daytime serials, "Myrt and Marge" and "Hilltop House," effective April 3. The addition of the stations gives these programs the largest hookup used by any daytime advertiser on the air at present, totaling 73 stations. Benton & Bowles is the agency handling both programs.

Fred Waring on Tour

His Bromo Seltzer program concluded, Fred Waring and orchestra will make a personal appearance tour of key cities on the eastern seaboard, opening in Washington on April 7. An engagement in Pittsburgh follows, then two weeks at the Strand in New York, opening April 28.

Universal to Have 43 Features Next Year, Says Scully

Universal plans to produce 43 features, exclusive of westerns, for the 1939-'40 season, W. A. Scully, vice-president and general sales manager, said Friday on his return to New York from the studio.

The company's annual sales meetings will be held next month and will probably consist of several regionals. Final arrangements, however, will be made after Scully confers with Nate J. Blumberg, Universal president, on the matter. At that time it will be decided whether the meetings will be for district and branch managers only, or for the entire sales force.

The tentative production schedule for next season is an increase of three features over this year's schedule of 40 features. The increase will be contributed by Harry Edington.

Scully had been away from New York for about six weeks, part of the time having been spent on a vacation in Hawaii. He was accompanied to New York by Mrs. Scully, Mr. and Mrs. Sam Rinzler, Mr. and Mrs. Joe Seider and Mr. and Mrs. Max Cohen, all of whom were returning from Hawaiian vacations. Flora Robson also arrived on the *20th Century* Friday and sailed for England.

Sykes Resigns As Member of F.C.C.

WASHINGTON, March 12.—Resignation of Judge Eugene O. Sykes as a member of the Federal Communications Commission has been received at the White House and will be accepted, President Roosevelt said.

Commissioner Sykes was appointed a member of the original Federal Radio Commission upon its creation in 1927, serving for 12 years. For the past several months he has been serving as a member of the committee investigating monopoly.

Daylight Time Starts In Canada April 30

TORONTO, March 12—Daylight Saving Time throughout eastern Canada will start Sunday, April 30, and continue until Sunday, Sept. 24, on which dates the railway timetables are changed on all lines. Compared with last year, there will be one week less of daylight saving time in 1939. Recently the rural municipalities unanimously petitioned Parliament to abolish daylight saving entirely.

In Legion Celebration

BOSTON, March 12.—Lt. A. Vernon Macauley Post of the American Legion, known as the "Theatrical Post," will join Wednesday in the nationwide celebration of the 20th anniversary of the founding of the Legion. They will meet at the Paramount exchange Wednesday evening to witness a preview and will follow this with social activities. Commander Patrick Healey, Senior Vice-Commander William McLaughlin and Junior Vice-Commander Harry Aaronson are in charge of arrangements.

Warners Set 48 Features as N. Y. Convention Opens

(*Continued from page* 1)

Somerset Maugham's novel, starring Edward G. Robinson.

"Four Wives," a sequel to the successful "Four Daughters," by Fannie Hurst, bringing together again the cast of the latter picture—the Lane Sisters (Priscilla, Rosemary and Lola), Gale Page, Jeffrey Lynn, Claude Rains, May Robson, Frank McHugh and Dick Foran.

"20,000 Years in Sing Sing," by Warden Lewis E. Lawes, starring John Garfield, with Ann Sheridan.

"The Life of Knute Rockne."

"John Dillinger, Outlaw," the life story of the notorious criminal.

"Battle of City Hall," with the "Dead End" Kids, Bonita Granville, Frankie Thomas, Jane Wyman, Ronald Reagan and Ann Sheridan.

"Episode," a sparkling modern comedy featuring Priscilla Lane and Jeffrey Lynn.

"On Your Toes," adapted from the Rodgers-Hart musical comedy that ran for two seasons on the Broadway stage. Two stars will head the cast, one of them being Zorina.

"You Can't Escape Forever," from the *Cosmopolitan Magazine* story by Thelma Strabel.

"And It All Came True," by Louis Bromfield, with James Stewart, Ann Sheridan and Humphrey Bogart.

"Dust Be My Destiny," from the novel by Jerome Odlum, starring John Garfield.

"Disraeli," a remake of the Warner production. Claude Rains will be starred.

"The Desert Song"

"The Desert Song," from the light opera of which the book and lyrics were written by Otto Harbach, Oscar Hammerstein, II, and Frank Mandel and the music by Sigmund Romberg.

"The Story of Dr. Ehrlich," starring Edward G. Robinson as the genius of medicine.

"The Adventures of Don Juan," starring Errol Flynn.

"Eyes of the Army," a picture produced with the cooperation of the War Department.

"We Are Not Alone," from the novel by James Hilton.

"Give Me a Child," with background the maternity ward of a metropolitan hospital.

"Forgive Us Our Trespasses," from the best-seller by Lloyd C. Douglas, with John Garfield as the star.

"Three Cheers for the Irish," comedy-drama with Pat O'Brien, Fred MacMurray, Ann Sheridan, Allen Jenkins, Frank McHugh.

"The Dead End Kids at College."

"The Story of John Paul Jones," starring James Cagney.

"Burning Daylight," from the story by Jack London.

"The Bishop Who Walked with God," based on the life of the German martyr who is now in a prison camp, the Rev. Martin Niemoeller.

"Career Man," story of the U. S. State Department and the Diplomatic Service, by Warren Duff, with Ann Sheridan and Jeffry Lynn.

"The Tanks Are Coming" in which the U. S. Cavalry—equestrian and mechanized—will be depicted.

"The World Moves On," starring James Cagney in a story by Mark Hellinger.

A sequel, as yet untitled, to "Brother Rat," with the same cast as that picture—Wayne Morris, Priscilla Lane, Jane Bryan, Eddie Albert.

Four "Torchy Blane" pictures, carrying on the adventures of the girl reporter.

Four "Nancy Drew" stories, Bonita Granville and Frankie Thomas, based on the popular "Nancy Drew" books.

Four "Secret Service" pictures, with Ronald Reagan as the hero; produced with the cooperation of W. H. Moran, ex-chief of the U. S. Secret Service.

District, Branch Managers Attend Warner Sessions

Those attending the Warner sales convention at the Waldorf-Astoria are:

From the west coast, Jack Warner, vice-president in charge of production, and Charles Einfeld, director of advertising and publicity.

The following home office executives: Major Albert Warner, vice-president and treasurer; Gradwell L. Sears, general sales manager; Carl Leserman, assistant general sales manager; Roy Haines, eastern and Canadian sales manager; Ben Kalmenson, southern and western sales manager; Norman H. Moray, sales manager of Vitaphone shorts; Sam Morris, vice-president in charge of foreign distribution; Joseph Hazen, vice-president; Samuel Carlisle, comptroller; S. S. Schneider; Robert Perkins, head of the legal department; H. S. Bareford, attorney; Stanleigh Friedman, attorney; Herman Starr, vice-president; Jacob Wilk, story editor; J. S. Hummel, foreign sales manager; Albert Howson, director of censorship; Mort Blumenstock, eastern director of advertising and publicity; Stanley Hatch, sales manager of accessories; Arthur Sachson, home office contract department: Milt Dolid, assistant to Norman Moray; A. W. Schwalberg, supervisor of exchanges.

From Theatre Division

The following members of the theatre department will also attend: Joseph Bernhard, general manager of Warner Theatres; Zone Managers: James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John Payette, Washington; Herb Copelan, Atlantic City.

Home office theatre executives: Clayton Bond, Ed Hinchy, Leonard Schlesinger, Frank Phelps, Nat Fellman, W. C. Patterson, Abel Vigard, W. Stewart McDonald, Harry Rosenquest, Louis Kaufman, Frank Cahill, Herman Maier, Harry Goldberg and Harry Mayer.

From the field: Ed Schnitzer, eastern district manager with headquarters in New York; Branch Managers Paul S. Krumenacker, Albany; N. J. Ayres, Boston; Charles Rich, Buffalo; John Pavone, New Haven; Harry Decker, New York-Brooklyn, and Harry Hummell, New Jersey.

Robert Smeltzer, central district manager with headquarters in Washington; Branch Managers A. Shmitken, Cincinnati; Herbert Ochs, Cleveland; F. E. North, Detroit; W. G. Mansell, Philadelphia; Harry Seed, Pittsburgh; F. W. Beiersdorf, Washington.

Men from Canada

Rud Lohrenz, mid-west district manager with headquarters in Chicago; Branch Managers, T. R. Gilliam, Chicago; Art Anderson, Des Moines; Fred Greenberg, Indianapolis; R. T. Smith, Milwaukee; C. K. Olson, Minneapolis; Sid Rose, Omaha; Hall Walsh, St. Louis.

Fred M. Jack, southern district manager with headquarters in Dallas; Branch Managers, R. L. McCoy, Atlanta; John A. Bachman, Charlotte; Doak Roberts, Dallas; William Warner, Kansas City; W. O. Williamson, Jr., Memphis; L. Conner, New Orleans; J. O. Rohde, Oklahoma City.

W. E. Callaway, west coast district manager with headquarters in Los Angeles; Branch Managers, E. A. Bell, Denver; N. H. Brower, Los Angeles; Vete Stewart, Portland; William F. Gordon, Salt Lake City; Henry Herbel, San Francisco; William Shartin, Seattle.

Wolfe Cohen, Canadian district manager with headquarters in Toronto; Branch Managers, Lou Geller, Calgary; M. J. Isman, Montreal; Lew McKenzie, St. John; Joseph Plottel, Toronto; I. Coval, Vancouver; Gordon Simmons, Winnipeg.

Also attending are Sam Lefkowitz and Gus Solomon of the New York exchange; Bill Bromberg, assistant branch manager in Chicago.

Orders Drive to End Bingo in New Haven

NEW HAVEN, March 12.—State's Attorney Samuel E. Hoyt has ordered State Police to shut down on all Bingo or other "charity" games in New Haven County. Games had been flourishing despite a State Supreme Court decision last summer declaring them illegal. A bill is before the Legislature attempting to reinstate Bingo for charitable and volunteer fire organizations only, but theatres opposed such discrimination at the Hartford hearing recently.

Women's Clubs Plan Drive Against Duals

WASHINGTON, March 12.—General Federation of Women's Clubs may conduct a drive against double features. Local units of the Federation may contact theatre managers in this regard.

Protests by women's clubs were partly instrumental in forcing a return to single features in the Bronxville, N. Y., area about a year ago.

That community leaders are turning against the double feature practice is evidenced by the opposition of Dr. Ray Lyman Wilbur, president of Stanford University and head of the Motion Picture Research Council, who believes that both films on a double bill cannot meet family suitability standards.

French Corp. Hearing Set

Federal Judge William Bondy has directed a hearing on March 30 on the proposed plan of reorganization submitted by the French Motion Picture Corp., which filed a petition for reorganization Feb. 19, 1938. The plan provides for payment of priority claims in full, and 15 per cent to general creditors.

M.P.T.O.A. Urges Film Improvement

(*Continued from page* 1)

will become more frequent," the M. P. T. O. A. head concludes.

The bulletin reflects the organization's continued hope for the immediate effectiveness of such phases of the proposed trade practice program as cancellation, score charge elimination and the establishment of local boards to hear and adjust trade disputes. It urges the advantages of conciliation over arbitration, pointing out that the latter can be resorted to only within the limitations of standard procedure, whereas conciliation, the bulletin says, has a much wider application.

However, a pessimistic reference appears in another part of the bulletin where Kuykendall refers to the handicaps of legislation and litigation and their possible effect on the trade practice program.

"The suspicion now arises," he says, "that it may be too late (for the trade program), that the situation may be entirely out of hand, and that drastic regulations will be imposed upon our industry by the agencies for political action in spite of the belated promises of the producers and distributors to put the modified trade practice proposals into effect some time after next August."

In commenting on the recent U. S. Supreme Court decision in the Dallas Interstate Circuit case, Kuykendall echoes what is now the general industry belief that "this decision will have little or no effect on the business," unless the same circumstances which prevailed in Dallas are proved to exist in other situations where similar actions may be brought. He points out that even if clearance were to be eliminated, distributors still would enjoy the privilege of selling exclusive runs in every locality or of selling all theatres simultaneously at the same price, neither of which would be of any advantage to the average exhibitor, Kuykendall says.

The bulletin compliments Darryl F. Zanuck and Nicholas M. Schenck for the recent action of 20th Century-Fox and M-G-M in curtailing radio appearances of their stars.

Appeal Allowed on Fox Theatres Plan

Appeal from the decision of former Circuit Judge Martin T. Manton which approved Milton C. Weisman's plan for liquidation of Fox Theatres Corp., was allowed on Friday by Federal Judge William Bondy to the Trust Co. of Georgia, $400,000 creditor of Fox Theatres.

The Trust Co. is appealing because, the notice of appeal stated, the plan failed to treat their claim, which is based on theatre rentals, as a priority.

Tito Guizar to Star

HOLLYWOOD, March 12. — Tito Guizar has been signed to star in "The Double Dyed Deceiver," one of the features to be made by Harry Sherman this year. The picture is based on the O. Henry story.

Scott to Start Picture

"Two Gun Troubadour," last of a series of six musical westerns starring Fred Scott, will go into production in about two weeks. Picture will be released by Spectrum.

UNITED ARTISTS IS RUSHING YOU THIS BLUE-PRINT

on how to advertise Hal Roach's provocatively titled comedy-romance,

ZENOBIA

Ask your whole town "Who is Zenobia?" and your whole town will flock to find out!

WHO is she?



WHAT'S she got?





"I've practiced medicine for twenty years but I've never had a patient like Zenobia!"



"Why does Zenobia always get her man ...and mine besides?"



"What this world needs is more girls like Zenobia!"





"What's the use of a girl falling in love when Zenobia's around?"



"There ought to be a law against Zenobias. Write to your congressman!"



"There's that Zenobia again! I think I'm going to faint!"

"Our home was so happy...until Zenobia came to town!"

Lucky you..Zenobia is on her way to you. To know her is to love her..and to love her is to laugh!

HAL ROACH presents

Zenobia

(ZENOBIA WAS UNTRUE)

with

OLIVER HARDY · HARRY LANGDON
BILLIE BURKE · ALICE BRADY
JAMES ELLISON · JEAN PARKER · JUNE LANG
STEPIN FETCHIT · Hall Johnson Choir
Directed by GORDON DOUGLAS · Released thru United Artists



THEATRE

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 49 NEW YORK, TUESDAY, MARCH 14, 1939 TEN CENTS

FCC Sets New Allocation to Aid Television

Three Bands Provided for Experimentation

WASHINGTON, March 13. — Television took another step toward fulfillment today when the Federal Communications Commission issued new allocation of frequencies from 30,000 to 300,000 kilocycles, effective April 13, retaining for television the same 19 bands that are now reserved but providing that three bands may be used also for general research and experimentation which does not result in interference with any television station.

Commission Statement

"The commission believes that in order to permit television to be inaugurated on a nationwide basis a minimum of 19 channels should be reserved below 300 megacycles," it was explained. "This does not mean that the minimum number of channels allocated by this order will eventually provide channels for a completely competitive nationwide service. Undoubtedly additional channels above 300 magacycles or some rearrangement of the present plan will be necessary at a later date."

Franco-U.S. Pact Held Film Guaranty

Safeguards for the American film industry's operations in France contained in the Franco-American reciprocal trade treaty are regarded by foreign departments of major film distributors here as ample guaranty against any oppressive or discriminatory provisions in the measure proposed by Jean Zay, Minister of Education, for reorganization and protection of the French film industry.

According to reports from Paris, the measure would impose heavy taxes on American and other imported product and would restrict or forbid double featuring.

BILL GOES IN TODAY

PARIS, March 13.—Minister of National Education Jean Zay will present his film bill tomorrow to the French Parliament. The French production chamber stated that the measure is not to be feared as it is contrary to the Franco-American trade agreement.

Myers Due Thursday

Abram F. Myers, general counsel of Allied, is due in New York on Thursday for a conference on the trade practice program with the distributors' drafting committee of lawyers. Col. H. A. Cole, Allied president, will be here on Thursday but is not slated to attend the conference. He is scheduled to meet Allied of New York officers and directors. Yesterday he met with New Jersey Allied directors and is spending today and tomorrow in Boston.

IATSE Takes Over Control Of Studio Unit

HOLLYWOOD, March 13. — Taking cognizance of factional fights for supremacy in Studio Technicians' Local 37, I.A.T.S.E. International officers, supposedly on orders from President George Browne moved in today and suspended studio organization autonomy and seized records and bank deposits. Browne is reportedly arriving tomorrow morning to bring about peace in the organization.

International officers under the constitution suspended all officers of the Local but reinstated Lew Blix, veteran business representative of Local 37. Still suspended late tonight were Joseph Carpenter, president, who was drawing $150 weekly salary plus un-

(Continued on page 15)

Lubitsch, UA Deal Set for This Week; Farnol Coast-Bound

HOLLYWOOD, March 13.—Deal by which Ernst Lubitsch and possibly other producers would become a United Artists producer is expected to be concluded during the current visit here of Maurice Silverstone, chief executive of the company, and Charles Schwartz, United Artists board member and attorney.

Lubitsch will make three or four pictures annually for the company, it is believed.

Goldwyn Talks Slated

Silverstone and Schwartz, who are due here today from New York, also are expected to confer with Samuel Goldwyn and other United Artists owners on a settlement of the producer's action for abrogation of his contract with United Artists. What form the settlement might take cannot be predicted at this time.

Silverstone also will confer with the other United Artists producers while here and may complete initial plans for the company's new season

(Continued on page 15)

Trop Quits Sherman; Planning New Deal

HOLLYWOOD, March 13.—J. D. Trop has relinquished his vice-presidency of Harry Sherman Productions, disposing of his holdings to Sherman, and is negotiating another production deal. Trop was associate producer of the Hopalong Cassidy series of features and recent Zane Grey specials including "Heritage of the Desert."

"Midnight"

[*Paramount*]

HOLLYWOOD, March 13.—This is Claudette Colbert's best comedy since "It Happened One Night" and as much better than that Academy-immortalized classic as the cinema of 1939 is better than the cinema of 1934. This is, in fact, just about the best light comedy ever caught by a camera, as of the glad evening of March 8, 1939, when a cross-industry turnout enjoyed its preview screening with that wholesome, wholehearted enthusiasm which, about once a year, erases company boundaries, banishes professional prejudices and makes of a top-flight Hollywood audience a mere theatreful of completely contented film fans for a night. It takes a pretty fine piece of entertainment to do that.

There is much about "Midnight" to gratify not only Miss Colbert and the general public but also Paramount and the general industry. There have been doubts in various quarters during recent years as to whether it is possible for the screen, under modern conditions, to deliver to the whole public a really smart, sophisticated comedy, suitable for family consumption and yet completely satisfying to adult and minor, metro-

(Continued on page 15)

Doubles Force "B" Pictures, Warner Says

Sears Reveals Company Sales Up 17%

Warner Bros. do not want to make "B" pictures but are compelled to make a few of them in order to meet the deep-rooted double feature situation in many sections of the country. If it were up to Warner Bros. there wouldn't be any "B" pictures, there would be only "A" pictures. In keeping with this attitude, the company is committed to a program of 36 "A" films as against only 12 "B" pictures.

This is in substance the address made by Jack L. Warner, vice-president in charge of production, to an assemblage of around 150 exchange men, theatre chieftains, advertising, publicity and sales force from around the world, at the firm's two-day annual convention, opened yesterday at the Waldorf-Astoria.

Warner was the chief speaker of the day. Gradwell L. Sears, general sales manager, presided. Official announcement of the company's 1939-'40 product as outlined above was made, and Sears revealed to an enthusiastic audience that the firm's sales revenues are up more than 17 per cent since Jan. 1, as compared with a similar period last year.

Emphasis on Quality

Sears said:

"So far as Warner Bros. is concerned the company is looking forward to the coming season as its most successful in the history of the firm. The prosperity of the industry depends upon outstanding pictures and that's what Warner Bros. is giving the trade."

Jack Warner, in his address, pointed out that the reduction in the company's program of pictures as to number means only that the firm's prod-

(Continued on page 15)

'Mikado' Will Follow 'Pygmalion' at Astor

"The Mikado," color production of the Gilbert & Sullivan operetta which Universal is distributing in America, will open at the Astor immediately following the close of the run of "Pygmalion." No date for the withdrawal of the latter picture has been set yet.

"The Mikado" will continue the same policy as that in effect for "Pygmalion," continuous run at popular prices.

Legion of Decency Condemned Five of Year Total of 535

National Legion of Decency reviewed a total of 535 domestic and foreign films during the year ending November, 1938. Of the total, the Legion condemned five and found 32 objectionable in part. Of the remaining 93 per cent, 332 films were approved for general patronage and 164 for adults. Two, "The Birth of a Baby" and "Blockade" were separately classified.

Among the five condemned films are none from the major companies. Three were domestic and two foreign. Of the 32 disapproved in part, 26 were domestic and six foreign. A total of 79 foreign films were reviewed and classified. Expressed in percentages, 62 per cent were approved for general patronage, 31 per cent for adults, six per cent objectionable in part, and one per cent condemned.

Approves 11 This Week

National Legion of Decency this week approved 11 new films and classified one foreign film as objectionable in part. Classifications follow.

Class A I—Unobjectionable for General Patronage: "Almost a Gentleman," "Ice Follies of 1939," "I Was a Convict," "Sundown on the Prairie," "Trouble in Sundown." Class A II—Unobjectionable for Adults: "Bouquets from Nicholas," "I'm from Missouri," "Let Us Live," "Midnight," "My Son Is a Criminal," "Sudden Money." Class B, Objectionable in Part: "Champs Elysee" (French).

Dismiss Phelan Suit Against FP Canadian

TORONTO, March 13.—Suit of H. W. Phelan for $25,625 damages against Famous Players Canadian Corp. has been dismissed by Justice Urquhart in the Ontario Supreme Court, with costs.

The court declared there were no grounds for a charge of misrepresentation in the 1930 exchange of Famous Players common stock for that of Paramount Publix.

Dave Bader to MCA In Story Department

David A. Bader has closed his story agency, known as Literary Corp. of America, to move over to MCA Artists, Ltd., as executive assistant to David Diamond, head of the MCA story department.

Bader has taken with him to his new post his library and lists of plays and books, as well as a number of American and English writers.

Orders Plant Inspection

N. Y. Supreme Court Justice Aaron J. Levy yesterday directed 20th Century-Fox Film Corp. to open its film storage plant at Little Ferry, N. J., for an inspection for Anna Greeve and George Greeve, in connection with a $60,000 damage suit against 20th Century-Fox on a claim that the defendant had negligently caused a fire in the plant on July 9, 1937.

Purely Personal

HERBERT BAYARD SWOPE of the New York State Racing Commission returned from Florida yesterday.

•

ADOLPH ZUKOR is expected back in New York about the middle of next month. JOHN W. HICKS, Paramount foreign manager, who is scheduled to sail from England Saturday, may be delayed until about the same time.

•

BERT STEARN, United Artists district manager in Cleveland, has been commissioned "Admiral of the Flagship Fleet" by American Airlines for services which contributed to the use of air transportation.

•

J. P. O'LOUGHLIN, Canadian district manager for 20th Century-Fox, is here from Toronto to confer with WILLIAM C. GEHRING, division manager. He will remain until Thursday.

•

ART SCHMIDT, OSCAR DOOB's out-of-town advertising assistant, hopped back to New York after a week's tour of Norfolk, Louisville, Asheville and Richmond.

•

EDWARD C. RAFTERY, United Artists secretary and counsel, is in Zanesville, O., on business. He is expected back in New York Thursday.

•

JOE VOGEL, Loew's theatres executive, and TOM CONNORS, M-G-M division manager, have returned from a three-week Havana vacation.

•

MITCHELL AZERIER has been appointed head of the poster department at Republic's New York exchange.

•

LEO JUSTIN of Walter Reade Theatres is expected back April 1 from Mexico City, where he is vacationing.

•

JACK SOGG, M-G-M Cleveland salesman, is recovering at St. Vincent's Hospital after a mastoid operation.

WALTER BRANSON, captain of the GEORGE SCHAEFER RKO sales drive, will confer today with T. R. THOMPSON's branch staff in Kansas City. HARRY MICHALSON, short subject sales manager, is accompanying Branson on his tour.

•

RALPH CLARK, managing director for Warners in Australia, is here attending the sales convention of the company.

•

R. J. O'DONNELL of Interstate Circuit arrived in New York yesterday from a vacation in Florida and the West Indies.

•

ABE SCHNEIDER, Columbia treasurer, is expected back in New York from a Florida vacation this weekend.

•

AL WILKIE, Paramount publicity manager, returned yesterday from a business and vacation trip to Florida.

•

AL FOX, head bookkeeper at Republic's New York exchange, is confined to his home with a cold.

•

TYREE DILLARD of the M-G-M legal staff has gone to his North Carolina home for a week's rest.

•

WILL H. HAYS and MRS. HAYS left Saturday for a week's vacation in Nassau, via Miami.

•

BOB WILBY is at the Paramount home office for conferences with BARNEY BALABAN.

•

TYREE DILLARD, M-G-M attorney, is spending this week at his home at Greensboro, N. C.

•

JOE VOGEL is back at his office after a couple of weeks in the tropics.

•

E. C. GRAINGER left Sunday for Columbus, O.

•

MRS. MORRIS EPSTEIN has returned from a Miami vacation.

•

SAM KOPP is back from Miami.

Monogram Plans to Do 'Rip Van Winkle'

Monogram will produce "Rip Van Winkle" for the 1939-'40 feature program, according to W. Ray Johnston, president.

The film will be based on the famous story by Washington Irving and is planned by the company as one of its high budget productions on the new season schedule.

Equity Scolds Barton

Actors' Equity yesterday announced that it had delivered a reprimand to James Barton, star of "Tobacco Road," for unbecoming conduct in the use of abusive language while addressing Cynthia Arden and Ann Derem backstage.

Phillips Joins Pic

HOLLYWOOD, March 13. — Frank Phillips, formerly assistant to Frank Seltzer, Hal Roach advertising and publicity director, has been appointed western editor of the magazine, *Pic*.

Tri-National Places Two First Run Here

Although organized only a few months ago, Tri-National has succeeded in placing two foreign films in first runs here. "Crossroads" opened at the Filmarte last night and "Champs Elysees," now in its third week, is still grossing well at the Little Carnegie. Both films were made with French dialogue and have English subtitles.

Indicted for "Dupes"

CHICAGO, March 13.—Indictments have been returned by the grand jury before Federal Judge Holly against R. R. Gregg and Barney Gold for allegedly making "dupe" prints and selling them abroad. The indictments charge violation of the copyright laws and conspiracy. One of the films allegedly copied was "The Cat's Canary," a Van Beuren production. U. S. Attorney Martin Ward obtained the indictments.

'First Dictator' Opening Tonight

Opening tonight at the Nora Bayes is "First American Dictator," by Joe Marcy. It is a play which deals with the rule of Huey Long of Louisiana. Humphrey Davis, who is also included in the cast, directed, and George Lewis produced. A cast of 25 is headed by Conrad Noles, Oscar Jacobson, Davis, Edmond LeConte and Thomas Daly.

Upstate Exhibitors Plan Referendum On Chance Games

ALBANY, March 13.—A group is working for a referendum on gambling, including bank night, bingo, etc. Many theatre owners feel that most of their patrons approve the legalization of gambling, but with minority groups harassing Bank Night, etc., would prefer to watch a statewide vote.

A referendum, in which the exhibitors can keep hands off and watch for the result, would be a boon to them, it is understood, in that they could accurately chart a future course on bank nights, etc. An unfavorable vote, while effectively removing theatre chance games would also help them, they feel, in eliminating the competition afforded by Church and society socials.

The motion picture industry has a lot at stake in the present legislative economy drive which threatens the passage of some of the emergency taxes asked by Gov. Lehman to defray the $415,000,000 1939-40 fiscal year budget. It is now a foregone conclusion that theatres will escape the $1 per $1,000 real estate tax on assessed valuations and save nearly a million dollars on a statewide assessment basis, but they may be faced by the alternative of a sales or amusement tax.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1; cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A

Fair Trade Practice

is on the *Next Page...*

THE ONLY FAIR AD
1939-40 IS THE REC

Four Daughters

The Sisters

Brother Rat

Angels With Dirty Faces

Devil's Island

Dawn Patrol

Valley of the Giants

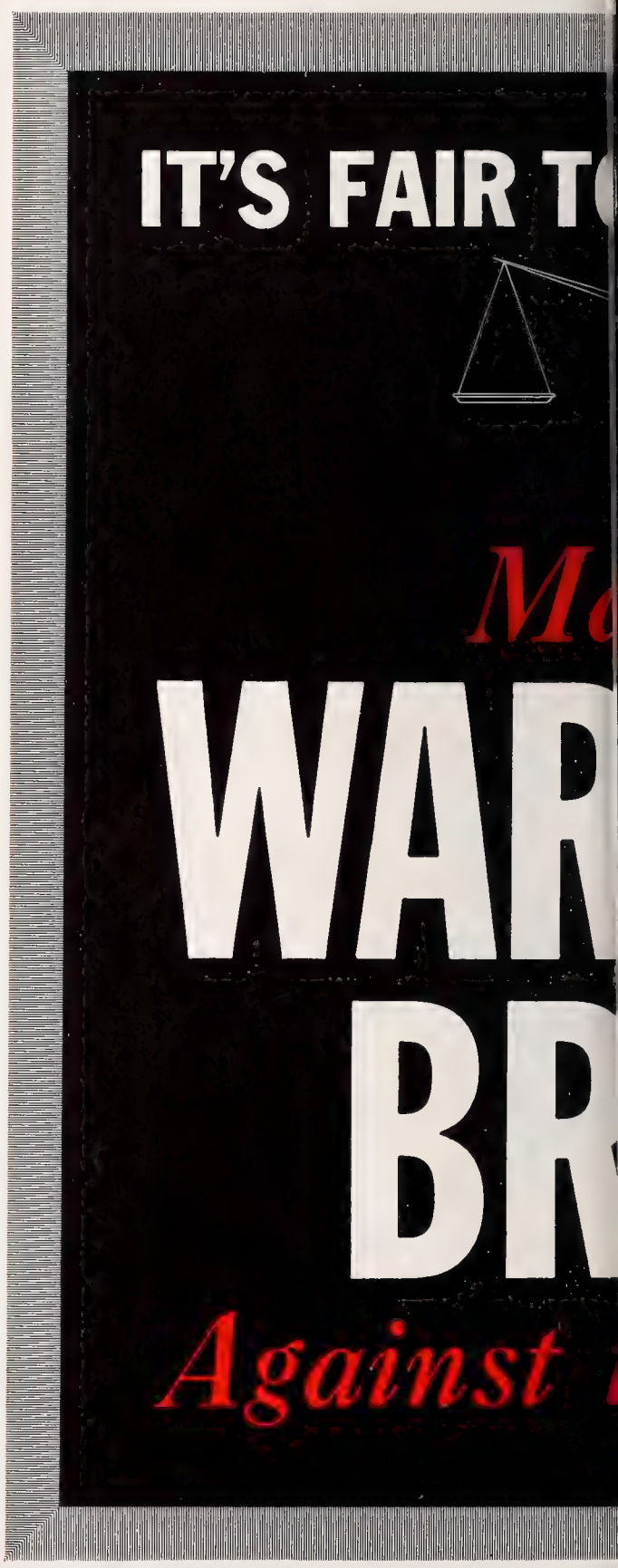
They Made Me A Criminal

Blackwell's Island

Naughty But Nice

Hero for a Day

The Oklahoma Kid



VERTISEMENT FOR
ORD FOR *1938-39!*



Dodge City

Wings of the Navy

You Can't Get Away With Murder

Confessions of a Nazi Spy

Juarez

Each Dawn I Die

Yes, My Darling Daughter

Family Reunion

The Kid From Kokomo

Dark Victory

Hell's Kitchen

The Roaring Crowd

OUR PACE IS YOU

1938-39 Sets the Winnin

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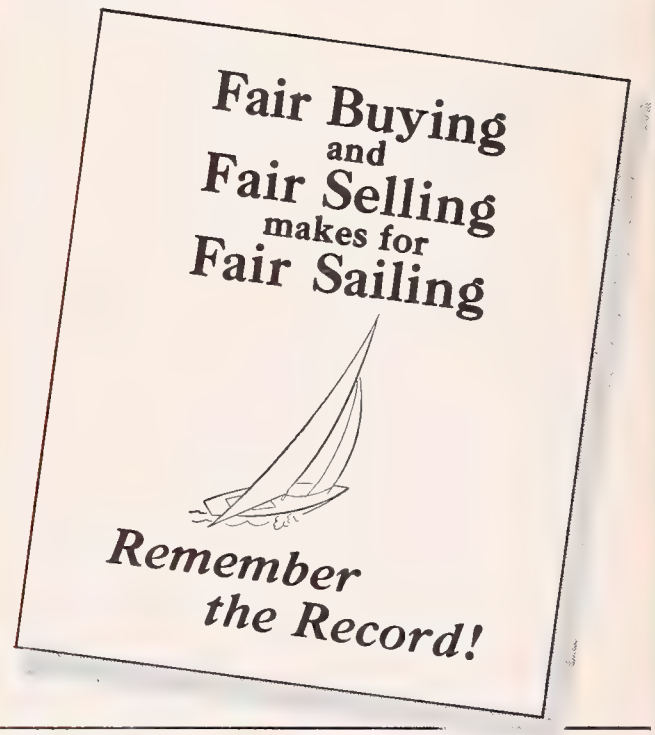
ros.

ures

1939-40

36
CLASS "A"

12
CLASS "B"



24 TOP BRACKET PICTURES

2 Outstanding Attractions <u>Every</u> Month!

WARNER BROS.' PROPOSED PROGRAM OF PRODUCTIONS FOR THE SEASON 1939 AND 1940

★

"QUALITY IS NOT A PASSING FASHION"

The foremost thought in Warner Bros.' minds at all times is to make good pictures, to present these pictures with the strongest showmanship and merchandising possible, and to offer them on a fair "live-and-let-live" basis. This, we believe, is the type of fair practice which has given Warner Bros. their enviable position in the industry today.

The success of Warner Bros. pictures this season, their success in the new season to come — and in the seasons that will come after it — represents a good deal more than is apparent to the appraising eye. The reason for our present position lies deep beneath the surface of an edifice which 29 years of careful construction has at last brought to completion. Development was sure, the goal inevitable, because an unswerving sincerity of purpose was its foundation! That purpose — not merely to make motion pictures but to make motion pictures as fine as they can be made — has now matured to its fulfillment. This we believe is clearly apparent in the productions we have listed as an indication of the material which, allowing for the exigencies of production, we contemplate producing for 1939-40.

Yes, these are great attractions, unquestionably the greatest we have put forth in one season, but to us of Warner Bros. they are the materialization of our company's motivating thought, "Quality Is Not a Passing Fashion." Now that the quality we have built toward and planned for has been attained, it is inevitable that it will continue.

Gradwell L. Sears

General Sales Manager

PAUL MUNI

☆ *THE LIFE OF BEETHOVEN* ☆

A distinguished addition to Paul Muni's memorable characterizations. The genius of the most revered figure in music . . . his defiance of Napoleon in an age when liberalism was heresy . . . the women who resented his passionate intensity and eccentric manners . . . the tragedy of deafness in his later life . . . and the solace he found in music as immortal as his own soul . . . A stirring life none but Muni could re-create!

ERROL FLYNN

☆ *THE SEA HAWK* ☆

with OLIVIA DE HAVILLAND

The author of 'Captain Blood' and its star! Dashing leader of Rafael Sabatini's saga of the Beggars of the Sea. The days when England's only navy was a colorful clan of adventurers who swept the Atlantic. Produced on a scale more spectacular than 'Captain Blood'!

BETTE DAVIS
☆ THE OLD MAID ☆
WITH MIRIAM HOPKINS
AND HUMPHREY BOGART

The Pulitzer prize-winner and 2-year stage success. To be directed by Edmund Goulding who directed Bette Davis in her Academy Award picture, 'Dark Victory'.

JAMES CAGNEY AND GEORGE RAFT
☆ INVISIBLE STRIPES ☆

Adapted from Warden Lawes' flaming best-seller. The most powerful theme since 'Angels'! Not a prison story . . . but the tortured drama of 'after prison' . . . the invisible stripes a 'timer' wears forever. A tremendous opportunity for this dynamic new team.

BETTE DAVIS
☆ ALL THIS AND HEAVEN TOO ☆

Biggest book-scoop in 5 years! Apace with 'Gone with the Wind' in all quarters! The soul-stirring story of the girl who became the world's most notorious name, brings another 'Victory' to the screen's greatest actress.

JOHN GARFIELD
☆ DUST BE MY DESTINY ☆

As timely as it is real. Garfield, sentenced to vagrancy in a penal workhouse, escapes to marry the girl he loves—and is forced to live a fugitive life. The amazing manner in which he wins a new trial and freedom will awaken every citizen to the needs of victims of narrow-minded 'justice'.

☆ JOHN DILLINGER, OUTLAW ☆

The newspapers' Dillinger headlines in themselves make as exciting a story as could be fictionized. But add to this the human story of an average boy sent to the penitentiary — by mistake — before he was 20 . . . and the 9-year lesson behind bars that turned him into a ruthless animal, fascinating to women but feared by friend and foe until death — and you have some idea of the impact you can expect in the show.

JAMES CAGNEY
☆ THE STORY OF JOHN PAUL JONES ☆

The stranger-than-fiction biography of the Scotch pirate who became the 'Father of the American Navy'! Mighty armadas, great sea battles, tender romance . . . produced on a scale in keeping with its spectacular setting. Picture Cagney as that fiery scourge of the seas whose daring conquest led America through the stormiest naval encounters of the revolutionary war!

EDWARD G. ROBINSON
☆ THE MOON AND SIXPENCE ☆
BY W. SOMERSET MAUGHAM

A story with the world for its background and the creator of 'Of Human Bondage' for its author! The most dynamic role yet brought to the screen by Robinson!

☆ THE LIFE OF KNUTE ROCKNE ☆

There are 80,000,000 football tickets bought every year—and every one is a herald for this show. Based on the autobiography of the immortal coach. Screen's first document of this great American, his background, his work, his rich humor, the unforgettable heritage he left. To be produced with the cooperation of Notre Dame University.

☆ THE BISHOP WHO WALKED WITH GOD ☆
BY QUENTIN REYNOLDS

Based on the life of Martin Niemoeller, the fighting minister called the greatest enemy of the totalitarian states. Every newspaper in the country has headlined his great struggle . . . now Warners will have it screaming on celluloid!



ACADEMY AWARDS
WON BY
WARNER BROS.
THIS YEAR

The long list continues on the next page . . .

ERROL FLYNN
☆ *THE ADVENTURES OF DON JUAN* ☆

The title tells all! Expect more adventure than 'Robin Hood'. The story of the world's most famous lover will be filmed on a matchless scale by the artisans who have given you such epics as 'Robin Hood', 'Anthony Adverse' and 'Juarez'.

☆ *BATTLE OF CITY HALL* ☆
THE DEAD END KIDS

The 'Kids' come off the streets and reform! So picture what goes on when they take over City Hall! Here's comedy and drama — and a story to top 'Crime School' for suspense-filled action!

☆ *DISRAELI* ☆
CLAUDE RAINS

The 'Zola' of England. More stirring now than ever because of its up-to-the-minute theme of dictators, land grabs, persecution. A really important screen document.

☆ *EPISODE* ☆
with
PRISCILLA LANE AND JEFFREY LYNN

The sweethearts of 'Four Daughters' and 'Darling Daughter' are set for big things this year and this is one of them. Priscilla plays a music student and Jeff just plays — but how!

EDWARD G. ROBINSON
☆ *THE STORY OF DR. EHRLICH* ☆

Another 'Pasteur' . . . and another great life that triumphed over ignorance and persecution to give the world the cure for its most dread disease! Another big 'first' for Warners and another great biographical drama for the screen.

☆ *WE ARE NOT ALONE* ☆

Another best-seller scoop from the pen of celebrated James Hilton! We are not alone when we say this is one of the most important stories to be filmed.

☆ *CAREER MAN* ☆
JEFFREY LYNN AND ANN SHERIDAN

A brand new entertainment angle — the first story of the U. S. Diplomatic Corps! The Spanish revolt, European intrigue, the armament race, international espionage, pack it with 1939's most original brand of screen dynamite!

JAMES CAGNEY
☆ *THE WORLD MOVES ON* ☆

From the pen of world-syndicated Mark Hellinger comes this stirring kaleidoscopic view of America's most dangerous days! The pre-war teens, the lush twenties, the jittery thirties all woven into a thundering cavalcade of adventure!

EDWARD G. ROBINSON
☆ *BROTHER ORCHID* ☆

The nation's orchids went to *Colliers* for this unusual magazine serial. An entirely new and different Robinson portrayal! The hilarious story of a mobster who hides out in a monastery and learns to like it.

JOHN GARFIELD
☆ *FORGIVE US OUR TRESPASSES* ☆

The success of 'Magnificent Obsession' and 'Green Light' assures the latest Lloyd C. Douglas novel instantaneous approval! Its heart-gripping theme is timed to perfection to further this great new star's ever-increasing following.

☆ *FOUR WIVES* ☆
A SEQUEL TO FOUR DAUGHTERS
with the same cast

The long-awaited follow-up to 'Four Daughters' written by the same author, Fannie Hurst, and filmed by the same director with the same lovable stars. The girls have become women but the same rich drama and heart-warming appeal assure it of the same universal acceptance!

☆ *GIVE ME A CHILD* ☆

We earnestly believe this to be one of the most human themes that it has been our privilege to offer. Two prominent stars now being selected will portray the stirring leading roles.

☆ *EYES OF THE ARMY* ☆

Each year Warner Bros. dedicates part of its program to America's great Services and Military Institutions. 'Eyes of the Army' takes its important place besides 'Wings of the Navy', 'Submarine D-1', 'Devil Dogs' and the others.

☆ *THE TANKS ARE COMING* ☆

First and only film of Uncle Sam's mechanized cavalry! In keeping with Warners' authentic 'service' policy, it will be produced on the actual scenes of operations with the full cooperation of the United States Army.

☆ *A SEQUEL TO BROTHER RAT* ☆

Same stars, same author, same setting, same director collaborate to bring in another lightning-paced picture big enough to top its predecessor!

☆ *BURNING DAYLIGHT* ☆
BY JACK LONDON

Unquestionably London's most gripping adventure story . . . with all the roaring action of America's fiercest era! Mighty days of the Klondike, wicked nights of the Barbary Coast live again in a magnificent red-blooded romance.

FRED MacMURRAY and PAT O'BRIEN
☆ *THREE CHEERS FOR THE IRISH* ☆
with ANN SHERIDAN, RONALD REAGAN, FRANK McHUGH and ALLEN JENKINS

You can't beat the Irish and you can't beat the heart appeal Warners have put into this one! Get set for a new high in hilarity when these harps start swinging!

☆ *ON YOUR TOES* ☆
WITH ZORINA AND AN IMPORTANT MALE STAR

Rodgers and Hart wrote it—N. Y. held it for 2 years—now it zings to the screen with the most sensationally publicized dancing star in years—the talk of the country, star of the legit season's musical hit, 'I Married an Angel'.

☆ *THE DESERT SONG* ☆

A mass smash on two continents, it boasts Sigmund Romberg's world-remembered music, an action-crammed story, hundreds of daredevil horsemen, the most spectacular desert scenes ever filmed! To be produced in Technicolor with a great singing star.

BETTE DAVIS AND ERROL FLYNN
☆ *THE KNIGHT AND THE LADY* ☆

Maxwell Anderson's memorable Theatre Guild production brings Bette Davis to the screen in the famous love story, with Errol Flynn as the hero who defied the world for a queen's love!

Warner Bros. Pictures Are "Bench-Made"



Because It's Fair to You!

There is no "Assembly Line" at Warner Bros. No properties this important can be "rushed through" to meet release dates. Only because we are prepared as is no other company—with our background of high-quality production, and the vast resources of our studios, the world's largest, is this policy possible. Our current program definitely demonstrates that this exclusive method—and this method solely—assures the consistent delivery of successful motion pictures for the future, as in the past.

The list goes on . .

☆ *AND IT ALL CAME TRUE* ☆
with
JAMES STEWART, ANN SHERIDAN and HUMPHREY BOGART

The prize-winning novel by Louis Bromfield becomes a major addition to the record number of prize novels on the Warner story list!

☆ *DEAD END KIDS AT COLLEGE* ☆

From 'Crime School' to college and are they a pain in the seat of higher education! Fans called their basketball game in 'Angels' one of the year's funniest episodes—so you know what to expect when they take up football . . . and everything else in sight.

☆ *YOU CAN'T ESCAPE FOREVER* ☆
BY THELMA STRABEL

One of the most important Cosmopolitan Magazine stories of the past 3 years. Played against a background of Paris, Cannes, Switzerland and the U. S., this is one of the most extraordinary romantic dramas on our program.

JOHN GARFIELD AND ANN SHERIDAN
☆ *TWENTY THOUSAND YEARS IN SING SING* ☆

'Twenty Thousand Years in Sing Sing' and twenty thousand thrills on the screen! From the pen of Warden Lewis E. Lawes! A behind-the-scenes story mighty with the clash of men, to be advertised and publicized as sensationally as it will be filmed!

☆ *4 SECRET SERVICE STORIES* ☆
BY W. H. MORAN, EX-CHIEF U. S. SECRET SERVICE, WITH RONALD REAGAN

This series is building every second. Headline scoops and straight-from-the-files stories of espionage will inspire four more action-packed shows for the coming season!

☆ *4 NANCY DREW STORIES* ☆
BONITA GRANVILLE—FRANKIE THOMAS

The first releases of this swell series met with such instantaneous approval that Warners will follow it with four more in 1939 . . . all with new action, new adventures, new laughs.

☆ *4 TORCHY BLANE ADVENTURES* ☆

More and merrier stories for this popular series about the smartest female newspaper man that ever scooped to conquer!

ALL THESE GREAT WARNER BROS. PICTURES

INSURED BY ALL THESE GREAT WARNER BROS. NAMES!

PAUL MUNI ★ BETTE DAVIS
ERROL FLYNN ★ JAMES CAGNEY
EDW. G. ROBINSON ★ JOHN GARFIELD
PRISCILLA LANE ★ JEFFREY LYNN
OLIVIA De HAVILLAND
'DEAD END' KIDS ★ HUMPHREY BOGART

JAMES STEWART *Courtesy MGM* ★ FRED MacMURRAY *Courtesy Paramount*
JEAN ARTHUR *Courtesy Columbia* ★ VERA ZORINA *Courtesy Samuel Goldwyn*

PAT O'BRIEN ★ GEORGE BRENT ★ ANN SHERIDAN
GERALDINE FITZGERALD ★ WAYNE MORRIS ★ MIRIAM HOPKINS
CLAUDE RAINS ★ ROSEMARY LANE ★ JOHN PAYNE ★ GALE PAGE

Fay Bainter ★ Eddie Albert ★ Jane Bryan ★ Donald Crisp ★ Margaret Lindsay
Frank McHugh ★ Allen Jenkins ★ May Robson ★ Bonita Granville
Jane Wyman ★ John Litel ★ Ronald Reagan ★ Johnnie Davis

JACK L. WARNER, *Vice-President in Charge of Production*
HAL B. WALLIS, *Associate Executive in Charge of Production*

ASSOCIATE PRODUCERS

Bryan Foy • Henry Blanke • Robert Lord • Sam Bischoff • Lou Edelman
David Lewis • Max Siegel • Mark Hellinger

DIRECTORS

Lloyd Bacon • Edmund Goulding • Michael Curtiz • William Dieterle • William Keighley
Anatole Litvak • Ray Enright • Lewis Seiler • William Clemens • Terry Morse
William McGann • Noel Smith • Crane Wilbur

Warner Bros.

...the company that believes in Fair Practice!

Warner Says Duals Force 'B' Pictures

(Continued from page 1)

uct will be even more greatly improved, because the company favors quality above quantity and the firm probably will spend as much and maybe more on the 48 films it contemplates making as it might have spent on the previous 52, or even possibly the 70 pictures it used to make in the old days.

"They used to point with satisfaction," Warner said, in speaking of bygone days of the trade and bygone showmen, "that pictures were pointing to an average customer of about the average age of 14 years.

"I'm afraid some of our present producers may be still pointing that way and those who are behind the times in an era of "Pasteur," "Zola," "Dark Victory" and "Juarez."

Thereupon he outlined the company's program in full.

A telegram from Harry M. Warner, president, who was unable to be present, was read and in which he praised Sears for "doing a magnificent job" and commended the entire Warner organization for its work in the past year.

"We can take pride in the motion picture business today as never before, for it has become an international power," Warner's message said.

Others who spoke at the morning session were Sam E. Morris, vice-president in charge of foreign activities; Joseph Bernhard, general manager of theatres; Carl Leserman, assistant general sales manager; S. Charles Einfeld, advertising and publicity head; Joseph Hummel, foreign sales manager.

The morning session today will be taken up by a discussion of advertising plans by S. Charles Einfeld. Theatre publicity men will attend. In the afternoon Norman Moray, short subjects head, will outline his product for the new season.

The general convention will wind up tonight. Tomorrow and Thursday will be devoted to meetings conducted by Roy Haines and Ben Kalmenson for branch managers in their divisions.

AFA, Ringling Feud Ends; New Pact Set

American Federation of Actors and Ringling Bros. have settled the feud which closed the circus last spring in the midst of its tour. Contracts have been drawn and will be presented to the board of directors of Ringling for final approval within the next few days. Ralph Whitehead, executive secretary of the A.F.A., has called in two of the union's organizers from the midwest to assist in enrolling performers and roustabouts. The circus is expected to start on schedule this spring.

IATSE Takes Over Studio Unit Control

(Continued from page 1)

limited expense account, and Ed. Heim, financial secretary.

Late today A. Brigham Rose, acting for Carpenter and other executives of Local 37, obtained a federal court restraining order prohibiting Browne and his aides from seizing records, cash and premises of the organization.

Hollywood Preview

"Midnight"

(Continued from page 1)

politan and agrarian, in content, execution, in individual detail and total result. Paramount has persisted in the theory that is can be done, despite certain disappointing efforts to do it, and Paramount herewith not only proves its theory triumphantly but supplies the industry a fine working model for guidance in achieving this difficult but delightful end.

Miss Colbert's performance is unquestionably her splendid best, but this is no one-performance picture. She has as companions in comedy the matured John Barrymore in fine fettle, dashing Don Ameche in a role fitting his ebullient phase perfectly, Francis Lederer and Mary Astor with precisely appropriate assignments, Hedda Hopper, Elaine Barrie and Rex O'Malley in superbly handled secondary parts which add roundness and reality to the swiftly spun narrative. There isn't a dull instant.

The screenplay by Charles Brackett and Billy Wilder, an expert script packed with brilliant dialogue, is from a story by Edwin Justus Mayer and Franz Schulz. It starts with arrival of Miss Colbert in a rainy Paris in evening dress without hat, wrap, baggage or money, and proceeds from there by a design too intricate and amusing for condensed synopsis. It is fast but not headlong, so funny in spots that whole minutes of dialogue are lost in audience laughter and so steadily humorous as to make its 90 minutes seem as 30. It never gets out of hand nor out of line.

Arthur Hornblow, producer, and Mitchell Leisen, director, have many a fine picture behind them. They may have many more before them. This one is fine enough to carry their names on into tomorrow's lists of great artists if they never do another.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Kinsler Is Warners' Cincinnati Manager

Ralph Kinsler has been appointed branch manager for Warners in Cincinnati, succeeding Al Shmitgen, who goes to San Francisco, Gradwell L. Sears, general sales manager, disclosed at the convention here yesterday.

Henry Herbel, San Francisco manager, will be transferred to Chicago as district manager, succeeding Rud Lohrenz, who will be in charge of a new district with headquarters at Kansas City.

Kinsler, who has been in the industry since 1915, resigned as district manager for Grand National in Cincinnati to go with Warners.

Lubitsch, UA Deal Set for This Week

(Continued from page 1)

production schedule and annual sales meeting. Lynn Farnol, United Artists advertising and publicity director, is expected here at the end of the week to confer on campaign plans for "Wuthering Heights," "Man in the Iron Mask" and "Captain Fury."

Application is expected to be made by United Artists' attorneys this week for the transfer of Samuel Goldwyn's contract action from the State Supreme Court in New York to the Federal District Court. If the application is granted the company's answer to the Goldwyn complaint will not be filed in the Federal court before April.

Fairbanks, Jr., Romantic

Douglas Fairbanks, Jr., was voted the outstanding romantic character star of 1938 by New York University's class on the motion picture.

W. B. Sets May 1 as New Debenture Date

Warners have set May 1 as the new date for depositing six per cent convertible debentures, maturing Sept. 1, this year, for debentures due in 1948. The previous deadline was March 15. Further extensions may be made at the discretion of the directors.

At the close of business yesterday, debentures filed for exchange totaled $19,331,000. There is outstanding an aggregate of $25,827,000 of certificates of deposit and debentures.

Notes on Warner Convention

JOHNNY PAVONE, or "Old Iron-hat" as he is lovingly called by his colleagues, dropped into the home office for a fast game of pool last week. He took the Forty-fourth Street sharks by storm, and is currently looking for new Warner men to conquer.

•

Known as the "Man with the Homburg" is BILL MANSELL of Philadelphia. He's the lad whom they say introduced that particular style of headgear to ANTHONY EDEN.

•

HARRY SEED of Pittsburgh is commonly called the "Bill Robinson" of the branch managers. The diminutive chap used to be a hoofer, and is a walking reminder that vaudeville is not yet dead.

•

HARRY DECKER, of the New York exchange Deckers, is the glass of fashion and the mould of form among the branch managers.

•

New members of the branch manager family appointed last week are BILL SHARTIN of Minneapolis and SID ROSE of Omaha. You can find them listening with open ears to the chatter of the veterans.

•

GORDON SIMMONS keeps telling everybody that he is currently taking his southern vacation. He's had 38 degrees below up in Winnipeg this winter.

•

The boys from Canada can talk of nothing else but welcoming the King and Queen this summer. Maybe they're figuring on a couple of knighthoods.

AT THE WARNER CONVENTION



A moment off for study at the Warner sales meeting at the Waldorf-Astoria yesterday. Left to right are: Roy Haines, eastern and Canadian sales manager; Gradwell L. Sears, general sales manager; Carl Leserman, assistant to Sears; Ben Kalmenson, southern and western sales manager.

Columbia 6-Month Profit Is $34,596

Columbia reported a net profit of $34,596 for the first six months of its current fiscal year ended Dec. 31, last. The result includes a profit of $268,209 for the first quarter and compares with a net profit of $451,061 for the corresponding six months of the preceding fiscal year. Results are after all charges except provision for tax on undistributed profits.

Columbia's gross income for the half-year amounted to $10,379,858. Current assets of $12,656,898 and current liabilities of $1,610,131 are shown. Working capital amounted to approximately $11,000,000 at the end of the period.

Asks SEC Listing

WASHINGTON, March 13.—Application for registration on the New York Stock Exchange of 9,644 common voting trust certificates of Columbia Pictures Corp. and for an equal amount of Columbia common stock, both upon notice of issuance, was filed with the Securities and Exchange Commission today by Harry Cohn, president, and voting trustees.

Application also was filed for registration of 11,554 shares of Columbia common stock on the New York Curb Exchange, also upon notice of issuance.

Agency 50 Years Old

SPRINGFIELD, O., March 13.—The Sun Booking Agency here is celebrating its 50th anniversary.

Anti-Ascap Bill Is Offered in Missouri

Jefferson City, March 13.—An anti-Ascap bill was introduced in the Missouri legislature today by Senator Roy Hamlin. The bill is identical with the Washington anti-Ascap law, the constitutionality of which is now awaiting a decision from the U. S. Supreme Court. The Missouri bill has the backing of the Kansas - Missouri Theatres Association.

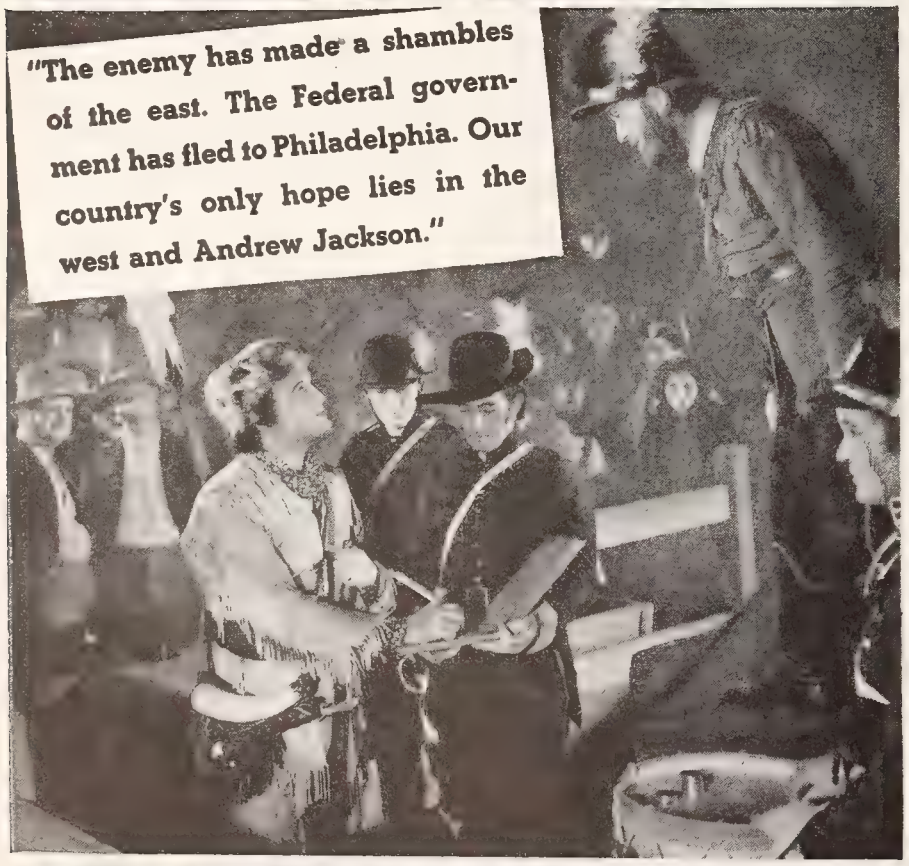
Economic Group to Report License Bill

WASHINGTON, March 13.—Approval of a licensing bill providing for individual treatment of industries in their regulation by the Federal Government is expected to be featured in a preliminary report which the Temporary National Economic Committee has scheduled for the end of this month.

However, it was said, these recommendations for enactment of the O'Mahoney-Borah or similar bill will not be unanimous in committee, and most of support will come from Chairman O'Mahoney and representatives of the Department of Justice and the Securities and Exchange Commission.

Application of Federal regulation specifically to particular industries is widely favored in the Administration and particularly by Assistant Attorney General Thurman Arnold.

AMERICA – FIRST, LAST – ALWAYS!



★ MAN OF CONQUEST ★

RICHARD DIX • Gail Patrick • Joan Fontaine

Edward Ellis • Cast of thousands! • A Republic Picture

Profit of 'U' for Quarter $157,990

Net profit of $157,990 after all charges but before provision for Federal income taxes was reported by Universal yesterday for the first quarter of the company's current fiscal year, ended Jan. 28, last. Result for the quarter compares with a net loss of $388,797 for the corresponding quarter a year ago, and completes six consecutive months of profitable opertions for the company. Operations for the final quarter of the last fiscal year resulted in a profit of $161,929.

Universal's new season production schedule is definitely set at 43 features, 14 westerns, 66 short subjects and 104 issues of the newsreel, William A. Scully, general sales manager, said yesterday. The company's own producers will contribute 40 features and Harry Edington will deliver three for Universal distribution. The short subject schedule will consist of 52 single-reel subjects, 13 two-reelers and a three-reel patriotic subject titled "March of Freedom."

Three regional sales meetings will be held toward the end of April, Scully said. One will be held in an as yet undesignated eastern city, Chicago will have one and San Francisco the third.

'U' and Clerks Reach Accord on Contract

Agreement was reached yesterday on terms of a contract for the home office and warehouse of Universal and the Bookkeepers, Stenographers & Accountants Union, Local 20940. The union's jurisdiction covers clerical employes. The contract will be signed sometime this week after negotiations with Big U Film Exchange are completed.

Terms provide for a 10 per cent increase for employes with Universal less than 10 years, and 15 per cent for those employed longer. The contract is to run for two years and further increases of five per cent will be granted at the end of the first year. Principal point of dispute, the question of a closed shop, has been compromised by provision that present employes who are not members of the union will not be compelled to join, but all employed subsequently must become members within one week. The work week will be 37½ hours with time and one-half for overtime. The usual vacations and sick leave will be continued. Peyton Gibson, secretary, represented Universal in the negotiations and Edward K. Flaherty represented the union.

Aisner to Produce Norris' New Novel

Robert Aisner, president of Heraut Films Productions, French producer planning a series of American films, will start in six weeks on his first, at the Eastern Service Studios, Astoria. It will be from the Charles G. Norris novel, "Bricks Without Straw."

Marion Gering will direct and Sylvia Sidney will play the lead.

CEA Meeting Today

LONDON, March 13.—Annual meeting of the Cinematograph Exhibitors' Association will be held tomorrow.

Women's Club Head Attacks Dual Bills

St. Louis, March 13.—Mrs. A. F. Burt, head of the Motion Picture Committee of the Federation of Women's Clubs of America, is opposed to double features. She said:

"The double feature spoils the family program. Always, on double features, one is an adult picture unsuitable for children. Two pictures make a long program, with too much strain on children, and crowd out the short educational films that we want our children to see. Last, but by no means least, the demands of the double feature cause the making of too many worthless pictures, which are a waste of time for children or adults."

100 Reporters to See 'Dodge City' Opening

Approximately 100 newspapermen from key cities will attend Warners' "Dodge City" premiere at Dodge City, Kan., April 1.

Arrangements include a broadcast over a nationwide NBC network the night of the premiere. Former Governor Alf M. Landon and Governor Payne H. Ratner will head Kansas dignitaries participating. It is possible that Secretary of War Harry Woodring, who is a Kansan, will attend.

Among numerous stunts will be a race between Glenn Cunningham and the Santa Fe special carrying the Hollywood party, over the last mile of the trip.

Hal Wallis, production executive, will have charge of proceedings. About 50 players will make the trip, including Errol Flynn, Olivia de Havilland, Bruce Cabot, Ann Sheridan, Frank McHugh, Victor Jory, Guinn Williams, all of the picture, and a dozen others, including Marlene Dietrich.

There also will be a party of 48 from New York, 24 from Chicago and vicinity, 24 from the south, and others. One car will be transformed into a beauty salon and Perce Westmore will give free demonstrations at Dodge City.

Open Canadian House

TORONTO, March 13.—Centre Theatre, Peterboro, Ont., rebuilt from the old Royal of silent film days at a cost of $30,000, has been opened. Sydney Goldstone of Toronto is owner of the Centre with Sam Ulster of Toronto as manager, Aaron Wolfe of the Duchess succeeding him at the Rex.

Powell BBC Chairman

LONDON, March 13. — Sir Allan Powell is the new chairman of the British Broadcasting Corp. He is at present the Mayor of Kensington and a member of the Import Duties Advisory Committee.

Kansas Passes 'Darling'

KANSAS CITY, March 13. — The Kansas board of review last Saturday passed Warners' "Yes, My Darling Daughter" with only four minor eliminations.



Many theater patrons prefer the back seats. They enjoy the added eye comfort which distance gives when viewing rapid action on the screen. However, they desire sufficient screen illumination for easy vision. They are critical but, for this very reason, are likely to become regular patrons of the theater that provides the type of projection they enjoy.

With old style, low intensity projection there is often insufficient screen light for ease of vision much beyond the center of the auditorium. Patrons in the rear find vision an effort, and may seek their screen entertainment elsewhere in the future. Simplified High Intensity projection provides screen illumination that insures comfortable vision to every patron in the house.

Ask your dealer's salesman to show you how little it costs to satisfy the "back seat patrons."

SIMPLIFIED *High Intensity* PROJECTION

WITH "NATIONAL" "SUPREX" CARBONS

ECONOMICAL AND MODERN

NATIONAL CARBON COMPANY, INC.

Unit of Union Carbide UCC and Carbon Corporation

CARBON SALES DIVISION, CLEVELAND, OHIO

General Offices: 30 East 42nd Street, New York, N. Y.

BRANCH SALES OFFICES: NEW YORK PITTSBURGH CHICAGO SAN FRANCISCO

The words "National" and "Suprex" are trade-marks of National Carbon Company, Inc.

F.C.C. Summarizes Complaints Set for Hearing This Week

WASHINGTON, March 13.—Complaints which will be aired before the Federal Communications Commission beginning Tuesday have been summarized by the commission. They include the following:

Revival of the complaint of Norman T. Baker on a commission order of 1931 revoking the license of his Iowa station KTNT. Baker charges the revocation involves discrimination by the commission, conspiracy and opposition of the American Medical Association.

Sol M. Alpher, American Civil Liberties Union, the first witness, will contend that public interest will not be served by censorship regulations.

Henry Jaffe, for the American Guild of Radio Artists, will charge that NBC and Columbia have acquired monopolistic control of concert management and restrain competition.

Lee Pressman, for the Congress of Industrial Organizations, and S. Howard Evans of the National Education Committee will charge discrimination.

Next week the inquiry will be directed at lease and management contracts with NBC, Westinghouse and General Electric as witnesses.

Chase & Sanborn's Talent Entertained

NBC Artist Bureau last night entertained the cast of the Chase and Sanborn program, currently in New York. With Dan Tuthill, assistant managing director of the bureau, as host, the group attended the Monte Carlo Ballet Russe at the Metropolitan, and after the performance the party was given a supper at El Morocco.

Guests in the group included Edgar Bergen, Don Ameche, Dorothy Lamour, Mr. and Mrs. Robert Armbruster, Mr. and Mrs. Donald Dickson, Mr. and Mrs. Sol Hurok, Mrs. Dan Tuthill, Mr. and Mrs. John U. Reber, Mr. and Mrs. Julius Fleischmann, Mr. and Mrs. Marks Levine.

To Air "It Happened"

In the first complete radio production of the comedy, Claudette Colbert and Clark Gable will be starred in "It Happened One Night" on the Lux "Radio Theatre" over CBS on March 20.

Radio Personals

Isham Jones' orchestra this week signed a five-year management contract with Consolidated Radio Artists . . . Lum 'n' Abner arrive here from Hollywood tomorrow, for several weeks of broadcasting from Gotham . . . The Burns and Allen program may emanate from New York during April and May, according to report.

FCC Plans Study of Multiple Ownership

WASHINGTON, March 13.—Hearings relating to ultimate and multiple ownership of radio stations will be held by the monopoly committee of the FCC during the week of March 28. Under ultimate ownership the committee will seek evidence regarding ownership of stations which has been concealed or not fully disclosed. Multiple ownership is concerned with the ownership of two or more stations by the same interests.

The committee has gathered much information on the subject from various parties, including a number of brokers who hold stock in the broadcast field as nominees for other parties and as nominees for other brokers.

During the week of April 4, the transcription phase of the industry will be investigated. Among those scheduled to appear are NBC, CBS, Mutual, Associated Music Publishers, Inc., and Gerald King of Radio Transcription Producers Association.

Two New WABC Shows

Two new contracts for programs over WABC were placed in effect yesterday. S. Stroock & Co. will sponsor an evening news period Mondays, Wednesdays and Fridays, starting this week, with Ted Ream handling the news and John Reid King the commercials. Olson Rug Co. will sponsor a series of news oddities the same days as above on a morning schedule, with Charles Stark in charge.

Thompson Wine Agency

SAN FRANCISCO, March 13.—West Coast office of J. Walter Thompson has been named advisory counsel for the Wine Industry Board, representing the entire wine industry of California. Anderson F. Hewitt of the San Francisco office is account executive.



Production Drops With 33 Shooting

HOLLYWOOD, March 13.—Production dropped to 33 pictures before the cameras this week, as 13 finished and eight started. Twenty-six are being prepared, and 59 are being edited.

Started were: "Mr. and Mrs. Bulldog Drummond," "North of Singapore," Paramount; "Little Mother," "The Girl from Mexico," "G-Dog," RKO; untitled Gene Autry musical western, Republic; "For Love or Money," "The Oregon Trail," (serial), Universal.

In addition to these shooting were: "Only Angels Have Wings," "Blind Alley," Columbia; "Wuthering Heights," Goldwyn; "Maiden Voyage," "Calling Dr. Kildare," "A Hundred to One," "It's a Wonderful World," M-G-M; "Beau Geste," "The Magnificent Fraud," "Geronimo," Paramount; "Second Shot," RKO; "Man of Conquest," Republic; "Gone With the Wind," Selznick; "The Man in the Iron Mask," Small; "Stanley and Livingstone," "Police School," "Return of the Cisco Kid," 20th Century-Fox; "The Family Next Door," "Big Town Czar," Universal; "Confessions of a Nazi Spy," "Each Dawn I Die," "Family Reunion," "Gantry the Great," "Waterfront," "Battle of City Hall," Warners.

Finished were: "Missing Daughters," Columbia; "Penthouse," "The Kid from Texas," "Within the Law," M-G-M; "Streets of New York," Monogram; "Man About Town," Paramount; "Sorority House," RKO; "Frontier Express," "Streets of Missing Men," Republic; "Rose of Washington Square," "Susannah of the Mounties," "The Gorilla," 20th Century-Fox; "East Side of Heaven," Universal.

Columbia and M-G-M each is shooting one short subject. Nine are being prepared, and 12 are being edited.

Net of $17,339,408 For Eastman in 38

Net profit of $17,339,408, after deductions for dividends on preferred stock, is reported by Eastman Kodak for 1938, compared with $22,347,345 in 1937. The earnings are equivalent to $7.54 per share of common stock. Volume of business declined $3,350,000 from the peak year of 1937. Business during the early months of 1939 has shown an increase over corresponding months in 1938.

The company has informed holders of common by letter of its intention to offer 225,092 authorized but unissued shares of common on the basis of one share for each 10 held. Morgan Stanley & Co., Inc., will underwrite the issue insofar as it is not subscribed for by stockholders. Funds realized from the sale will be used for expansion purposes.

Carolina Exhibitors Will Meet June 4-6

CHARLOTTE, N. C., March 13.—Theatre Owners of North and South Carolina will hold their summer convention at Ocean Park Hotel, Myrtle Beach, S. C., June 4, 5 and 6, according to Mrs. Walter Griffith, secretary of the organization. Convention dates were set by the directors at a meeting held in Charlotte.

Gov. James Takes Neutral Stand on New Theatre Levy

HARRISBURG, PA., March 13.—Governor Arthur H. James, who previously had intimated no new tax legislation would be enacted in the pre[illegible] year, was asked today what his attitude is toward the bill before the lower house which would place a tax on admissions to all amusements, including motion picture theatres. The rate would be one per cent on every 25 cents or fractional part of that amount.

"I have expressed no opinion on tax measures," he said, "except in my budget speech when I said the emergency relief taxes should be reenacted.

"You don't know what taxes may be needed. It depends upon the relief situation and on the revival of industry. Some form of new taxation may be needed later."

Decision Reserved On RKO Directors

Decision on approval of the entire proposed slate of directors of RKO, now complete with the addition of the name of Raymond Bill as thirteenth director, was reserved by Federal Judge William Bondy yesterday at the RKO hearing.

At the suggestion of Col. Hamilton C. Rickaby, attorney for the Atlas Corp., Judge Bondy adjourned hearings to April 11, and announced that he would formally confirm the plan of reorganization simultaneously with approval of the board of directors. When the name of Raymond Bill as a substitute for Ferdinand Eberstadt, as representative of stockholders, was put forward at the hearing, no objections were raised by any of the attorneys present.

Col. Rickaby announced that immediately upon confirmation he would prepare a formal order to that effect and ask that hearings be held from time to time so that he might present the proposed form of the certificate of incorporation and stock certificates of the new company for judicial approval.

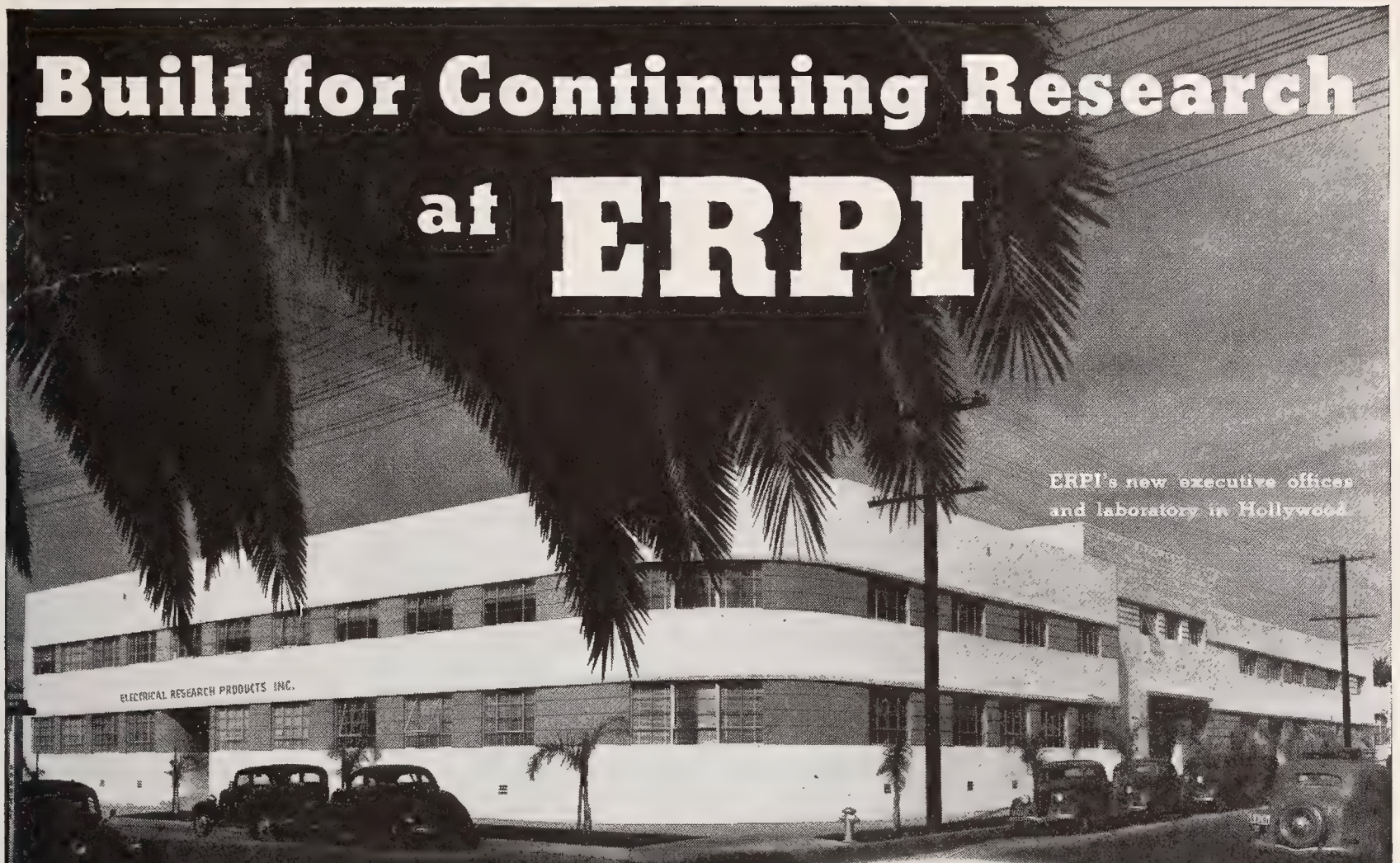
Kill Iowa Measure To Ban Bank Night

DES MOINES, March 13.—A bill introduced by J. S. Heffner in the House of the Iowa legislature a few weeks ago, that would have outlawed Bank Night and other games of chance, has been virtually killed by the House Police Regulations Committee which has given an "unfavorable" report.

Operator Union Fined

Empire State M. P. Operators' Union was fined $712 by N. Y. Supreme Court Justice Aaron J. Levy yesterday for alleged failure to reinstate Joseph Kimmel, a former member. The fine represented the alleged amount of wages lost by Kimmel through loss of his union status. Nathan H. Elman represented Kimmel.

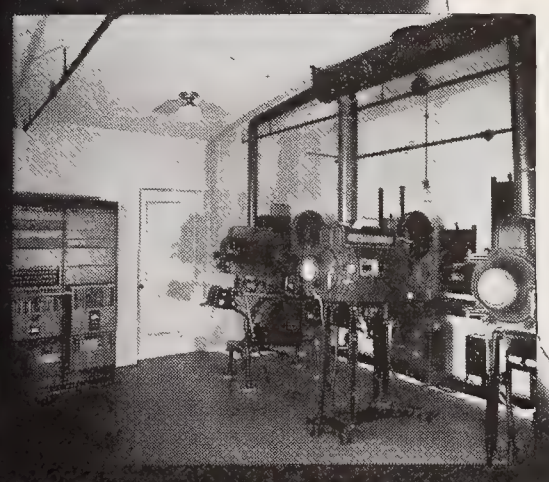
Built for Continuing Research at ERPI



ERPI's new executive offices and laboratory in Hollywood



Research workers in ERPI's Light Valve Department.



The Projection Room in ERPI's new Hollywood laboratory, where sound problems are studied daily and solved under actual working conditions.

. . . to assure ever-finer entertainment in your theatre

Since the introduction of sound in motion pictures, ERPI and Bell Telephone Laboratories — which developed the first practical apparatus—have pioneered in sound recording and reproduction research.

These developments have been made available to the industry in Western Electric Sound Systems —used by leading producers and thousands of theatres throughout the world.

In introducing sound pictures, ERPI accepted a definite responsibility to the industry. Now, ERPI reaffirms its acceptance of that responsibility.

Conscious that the future progress and prosperity of the industry depend upon continued improvement of sound pictures *through research,* ERPI—backed by Bell Telephone Laboratories—will continue to devote its efforts to meeting the problems of today and anticipating and solving those of tomorrow.

Electrical Research Products Inc.

A SUBSIDIARY OF

Western Electric



GETTING BIGGER

ALL THE TIME

Hollywood Reporter was first to say it "clicks as thriller and heart-tugger". "Small maintains his strong batting average", raves Showmen's Trade Review, linking the shrewd story choice with "Monte Cristo" and "Last of the Mohicans"... plus the news that his next great script selections are "The Man in the Iron Mask" and the big best-seller, "My Son, My Son".

KING OF THE TURF is now in its second week at the Orpheum, Montreal. Watch its openings at Majestic, Bridgeport – the Broad, Columbus – the Paramount, Oklahoma City – Keith's, Cincinnati – and its extended run engagement at the Aldine, Philadelphia!



EDWARD SMALL presents ADOLPHE MENJOU in

KING OF THE TURF

with DOLORES COSTELLO · ROGER DANIEL · ALAN DINEHART · WALTER ABEL · HAROLD HUBER · WILLIAM DEMAREST

Screen Play by GEORGE BRUCE • Directed by ALFRED E. GREEN • Produced by Edward Small Productions, Inc.

Released thru UNITED ARTISTS

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 50 NEW YORK, WEDNESDAY, MARCH 15, 1939 TEN CENTS

Warners Plan To Make 86 Shorts in Year

Production Will Shift to Coast This Month

Warners' shorts program for 1939-'40 will include 18 two-reel subjects and 68 single reel subjects, it was announced on the second day of the company's sales convention at the Waldorf-Astoria yesterday.

This is a total of 86 and a reduction from the total of 134, including 30 two-reel and 104 single reel subjects, scheduled for the current season.

Divisional Sessions Today

The general convention, attended by about 150 from the field and home office, as well as the theatre department, ended last night. Today and tomorrow will be devoted to divisional and district managers' meetings with branch heads and group meetings at which the shorts program will be further discussed.

Shorts production will be shifted to the coast at the end of this month, with Jack L. Warner, vice-president in charge of production, supervising. Most of the shorts have been made at the Vitaphone studio in Brooklyn.

(*Continued on page 3*)

Walkout Authorized By Operators Local

Operators' Local 306 has authorized its officers to put into effect a strike vote aimed at exchanges, distributors and projection rooms not completely manned by members of the local.

The action is in line with a resolution said to have been adopted by the I.A.T.S.E. executive board at its recent annual meeting in Miami. The resolution provides that all film produced or processed by I.A.T.S.E. members must be handled by I.A.T.S.E. projectionists.

The strike vote was authorized by about 1,800 of the local's 2,100 members at a meeting early yesterday morning at the Manhattan Opera House. Joseph D. Basson, president of the local, who attended the executive board session, presided.

The authorization is general, and before a strike can be called it must be sanctioned by a vote of all members. Also, strikes must have the sanction of the I.A.T.S.E., which may prohibit members from handling any work for the affected company. This would apply to studios, theatres, laboratories and others.

Two for 7 Cents !

Kansas City, March 14.—One of the biggest bargains of 1939 was offered here last week by Lewis Egan's Mokan theatre, suburban house. A double bill, "Hell's House" and "Galloping Through," sold for 7 cents.

North Dakota Not to Defend Law on Ascap

BISMARCK, March 14.—While Governer John Moses will sign North Dakota's anti-Ascap bill, according to D. M. Ewing, the Governor's representative, the state will not "spend a cent defending the constitutionality of the law" after its enactment.

Ewing's statement was made at a hearing here last night on the anti-Ascap bill. The North Dakota attorney general's office has issued an opinion that the bill is unconstitutional.

"We have a special licensing plan in mind for the users of copyrighted music in North Dakota," Louis D. Frohlich of Ascap counsel said yesterday. "It will be announced at a later date regardless of their legislative experiment."

New List of Defendants in Trust Suit Set

James Roosevelt May Be Among Substitutes

James Roosevelt, a director of United Artists Corp., may be made a defendant in the Government anti-trust suit pending in Federal court here, it was indicated yesterday. Government representatives disclosed that motion papers were being prepared for the substitution of new company officials for those who were named defendants in the suit but are no longer actively associated with defendant companies. The substitutions are purely technical Roosevelt became a director of United Artists after the suit was instituted.

United Artists, through its counsel, O'Brien, Driscoll & Raftery, made application to the Department of Justice some time ago for the elimination of Dr. A. H. Giannini, Mary Pickford, Douglas Fairbanks and Charles Chaplin as company defendants. It is believed that Dr. Giannini, who is no longer associated with the company, may be excused and Roosevelt substituted in his stead. Theodore Caruso, also a new director, may replace Miss Pickford.

George J. Schaefer, formerly United Artists general manager, also probably

(*Continued on page 7*)

IATSE Fight Brings Threat Of U.S. Probe

Dies Committee May Be Asked to Act

HOLLYWOOD, March 14.—The fight for control of Studio Technicians' Local 37, I.A.T.S.E., between local officers and International representatives today brought a threat to bring the Dies Committee probers to Hollywood to investigate Communism.

Congressman William Schulte of Indiana, who is here, stepped into the picture as head of the International investigation committee upon suggestion of George Browne, International president. Schulte left tonight for Washington, declaring he would seek Congressional investigation into "undercover, anti-American subversists" in Hollywood unionism.

Order Modified

I.A.T.S.E. International representatives today obtained modification of the federal court restraining order issued to Joseph Carpenter and Ed Heim, Local officers, under which they may take over physical properties. A. Brigham Rose, attorney for the Local, filed suit today against Farmers' and Merchants' National Bank seeking $80,000 in union funds which the bank refused to release.

Rose threatened to go before the county grand jury to seek indictments against International leaders for alleged labor racketeering. He also said he would ask for an investigation by the Sacramento grand jury of alleged I.A.T.S.E. lobbying.

Pettijohn, Industry Leader, Local Boy Who Made Good

By AL FINESTONE

Twenty-five years ago today, a rising young attorney of Indianapolis was retained by three exhibitors on trial for operating film shows on Sunday, a violation of the state blue law.



Charles Pettijohn

The defendants were the late Frank Rembusch, Charles Olson, who still operates the Lyric in Indianapolis, and Eli Zaring, also still a theatre man there. The only exceptions the blue law made was the operation of ferry boats and "works of necessity and charity."

Charles C. Pettijohn was the attorney for the defense, and he defended the cases on the theory that clean, wholesome mental relaxation was a necessity, as much as Sunday newspapers with their supplements and "funny sheets," then coming into vogue. Naturally, the newspapers were sympathetic to the defense. The jury's verdict was for acquittal.

Thus was Pettijohn launched on his career in the industry. Today, after 25 years, he is a battle-scarred veteran. He has been through every conflict that has since shaken the industry. He has been general counsel of the Motion Picture Producers and Distributors of America, Inc., since its inception.

A year after his successful defense of the Indianapolis exhibitors, he was retained by theatre men in the state to represent them at a session of the

(*Continued on page 3*)

US Drops Chicago Clearance Claims

CHICAGO, March 14.—Apparently the Government has abandoned the claim that there is a uniform clearance schedule in force in Chicago. Instead, the Government, in its contempt action against Balaban & Katz circuit and major companies, is indicating that clearance is arranged by contract between distributors and exhibitors.

This has been discovered by perusal of the bill of particulars filed by the Government in the suit this morning.

Defense has 20 days in which to answer.

The Government calls it coercion for B. & K. to offer greater rentals for first run showings than exhibitors elsewhere might pay.

Purely Personal

BEN PIAZZA, GEORGE SKOURAS, BILL ORR, A. P. WAXMAN, ED SAUNDERS, ED HATRICK and SAM HARRIS, in Nick's Hunting Room, at the Astor yesterday for lunch.

•

EDWARD C. CAHILL, RCA service manager, has returned to the home office in Camden from Hollywood. He was accompanied by ADOLPH GOODMAN, Photophone service engineering specialist.

•

CAPT. HAROLD AUTEN, representative of Greater Union Theatres, leaves today for Los Angeles to meet NORMAN BEDE RYDGE, head of the company, on his arrival Tuesday from Sydney.

•

CHARLIE MCCARTHY, EDGAR BERGEN, DOROTHY LAMOUR, DON AMECHE, DONALD DICKSON and ROBERT AMBRUSTER attended last night's performance of "The Boys from Syracuse."

•

MISCHA AUER will arrive in New York Friday from the coast. He will make a personal appearance at the Paramount starting next Wednesday with DOROTHY LAMOUR.

•

HARRY F. SHAW, Loew-Poli division manager, and MRS. SHAW are celebrating their wedding anniversary with a cruise, from which they will return April 1.

•

GEORGE WILKINSON, operator of the Wilkinson, and one of the oldest exhibitors in the New Haven territory, will be honored at a testimonial dinner.

•

HERBERT BAYARD SWOPE will attend tonight's performance of "The Primrose Path," LAWRENCE RILEY, author of "Personal Appearance," attended last night.

•

J. J. FERRETTI, vice-president of U. S. Air Conditioning International Corp., sails today on the *St. Louis* for England.

•

MARTIN QUIGLEY arrives in New York from Hollywood today.

YOU CAN BE IN
LOS ANGELES
TOMORROW MORNING
VIA
Flagship Skysleeper

★ Fly the only Southern Sunshine Route—favored by nature. No change of planes. Delicious, complimentary meals. Fare: $149.95; 10% saving on round trips.

The MERCURY	The SOUTHERNER
Lv.....5:10 p.m.	Lv.....10:45 p.m.
Ar.....8:49 a.m.	Ar..... 3:22 p.m.

FOR RESERVATIONS
Call your travel agent or VAnderbilt 3-2580. Ticket Offices: 45 Vanderbilt Ave. and Rockefeller Center, 18 W. 49th St.

AMERICAN AIRLINES Inc.
THE AMERICAN STANDARD OF SERVICE

Insiders' Outlook

By SAM SHAIN

EQUITY currently criticizes producers and playwrights for being too prone to cut short the life of a play, once the film rights can be sold. In the official organ of Actors' Equity, which is out today, there is an editorial titled "The Theatre Needn't Help Destroy Itself," in which Equity takes these producers and playwrights to task. Equity endeavors to point out that while a film may be exhibited successfully after a play has been shown, the reverse is not so.

"And so for the immediate profit of the producer and playwright," the editorial states, "which, it is true, is often considerable, the cast of the production, plus the potential casts of all the touring companies which might have worked in the play, to say nothing of the mechanical forces and auxiliary workers dependent on production and road tours, lose that work."

▼

The editorial makes reference to the legitimate theatre code established under the NRA, which forbade a producer from releasing a performer to films.

Then it goes on to say:

"It seems to Equity to be a fair construction that if it is unfair for any player to withdraw for that reason, it is still more unfair to have the play itself withdrawn from under its cast, and that ethics, if not mathematics, should influence both producers and playwrights not to withdraw any play from a legitimate theatre until it has exhausted its audience both in New York and on the road. In the end, Equity believes, they will accomplish more for themselves than by realizing immediate profits, however large they may be."

We understand that Equity officials have considered from time to time the establishment of rules to abolish the practice, but nothing has been executed in this regard, and at present there is no definite prohibition under discussion.

▼ ▼

At the Hays office, they are schooling the newly hired trust case publicists in trade practice problems and trade practice negotiations.

▼ ▼

We are told that it is the opinion of Stephen P. Ladas, copyright expert, that the recent U. S. Supreme Court decision, in the Interstate (Hoblitzelle - O'Donnell) case, does not affect the right of distributors to continue clearance provisions.

Two SMPE Sections Elect New Officers

Society of Motion Picture Engineers has elected officers for the Midwest and Pacific Coast sections as follows:

Midwest: S. A. Lukes, chairman; C. H. Stone, past-chairman; G. W. Baker, secretary-treasurer; J. A. Dubray, O. B. Depue, managers.

Pacific Coast: L. Ryder, chairman; J. O. Alberg, past-chairman; A. F. Edouart, secretary-treasurer; C. W. Handley, W. Miller, managers.

Richey Will Address New York Allied Meet

H. M. Richey, director of theatre relations for RKO, will address a meeting of New York Allied's unit at Syracuse on March 23.

On March 29 there will be a luncheon meeting of the organization at the Astor which all state officers and directors are scheduled to attend.

The organization is working on a group buying plan for members whereby economies may be effected in buying insurance and supplies.

The Newsreel Parade

Sporting events continue to gain considerable attention in the newsreels. Tennis, bowling, wrestling, golf, track, Joe Louis in training and the Fordham football team in spring practice are included in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 53—British submarine patrol in North Sea. Train wreck. Oxygen mask for stratosphere flying. California mountain moves. Bullitt and Daladier in France. Parisians prepare for war. English royalty shopping. Duke and Duchess of Windsor in Paris. Lew Lehr. Tunnel in Colorado completed. Golf match. Budge and Perry tennis. Bowling tournament. Bobsledding.

NEWS OF THE DAY, No. 251—Mountain moves in California. Train wreck in Massachusetts. Federal men feed elk. Counterfeit ring smashed. Anchors used for bridge. England's king and queen visit airplane factory. Golf championships. Bowling congress in Cleveland. Budge beats Perry. Louis and Roper prepare for coming bout. Wrestling.

PARAMOUNT NEWS, No. 64—Earthslide in California. Duke and Duchess of Windsor inspect Queen Victoria plaque. Air raid shelters in England. Flower show opens. Young journalists convene in New York. Bowling tournament. Louis trains for title defense. Roper optimizes upset. Fordham eleven in spring training.

RKO PATHE NEWS, No. 68—Pacelli elected. Parisians dig trenches for shelter. Flower show. Labor story. A.B.C. bowling congress. K. of C. track meet. Moving mountain threatens Californians. Budge vs. Perry tennis match.

UNIVERSAL NEWSREEL, No. 753—International flower show. British air raid precautions. Berard returns to France. New recruits for Czech army. Landslide in California. Stratosphere plane in Boston. Budge defeats Perry. Softball training. Fordham eleven practices. Track meet in New York. Bowling tournament.

Republic to Hold 4 Regional Meetings

Republic will hold four regional sales meetings, as follows: Houston, April 7 and 8; Chicago, April 11 and 12; New York, April 18 and 19, and San Francisco, April 27 and 28.

The southern sales organization will arrive in Houston April 6 to attend the world premiere of "Man of Conquest" at the Majestic.

James R. Grainger, president, left Hollywood last night for New York by way of Dallas and St. Louis to make arrangements for the meetings.

The company will have 50 pictures for next season, including 26 features and 24 westerns, and four serials, at a budget understood to be considerably in excess of 1938-'39.

BUTTERFIELD TO REPUBLIC

HOLLYWOOD, March 14.—Allyn C. Butterfield, formerly managing editor of RKO Pathe News and prior to that of Universal News, has been signed as a producer by Republic.

Charles Ford, former editor of Universal News, who completed a production assignment at Republic some time ago, has rejoined the company and has been assigned to trailer production.

M. J. Siegel, head of Republic studios, disclosed today a deal being consummated for purchase of the lot now occupied by the organization.

'U' Stockholders to Hold Meeting Today

J. Cheever Cowdin, Universal board chairman; Nate J. Blumberg, president; Charles D. Prutzman, general counsel, and Peyton Gibson, secretary, will go to Wilmington, Del., today to attend the annual meeting of stockholders of Universal Pictures.

A new director will be elected to the board to fill the vacancy created by the recent withdrawal of Charles R. Rogers.

Phillip Levy Dead

CINCINNATI, March 14.—Phillip Levy, 57, projectionist at the Oakley, neighborhood house, died suddenly at his home here following a heart attack. His widow survives.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Warners to Make 86 Shorts in Year

(Continued from page 1)

The studio will not be closed but will be available to outside producers. The studio employs about 200 persons.

Sam Sax, production chief of Vitaphone shorts and in charge of the Brooklyn studio, will go to England to take charge of the company's British production at Teddington studios. Jerome Jackson, who has headed production there for the past year, is negotiating a settlement of his contract and plans to sail Saturday for London on the *Ile de France*.

Whether Norman H. Moray, Vitaphone sales manager, will move his base of operations to the coast is as yet undetermined.

Many Shorts in Color

Moray and Sax outlined the new shorts product at the convention yesterday. More than half will be in color. There will be 18 "Broadway Brevities," two reelers; 26 "Merrie Melodies," 16 "Looney Tunes," 10 "Melody Master" bands, 6 "Vitaphone Varieties," 10 "Color Parades." The "Broadway Brevities" series will be divided into four "Cavalcade of America," four "All-Star Musicals," and "All Star Comedies." The "Cavalcade of America" is a patriotic series, titles of which are "Nathan Hale," "The Father of His Country," "The Monroe Doctrine" and "Freedom of the Press."

Of the "All-Star Musicals," Charles Foy and Fritz Feld will make two. There will be six two-reel musicals, including the "Ice Gaieties"; "Minstrel Show," "Hollywood Doubles." One of these will star Hal LeRoy.

Other speakers yesterday were S. Charles Einfeld, who discussed advertising and publicity plans, Gradwell L. Sears, general sales manager, who outlined sales policy, and Robert Perkins, general counsel, who discussed policies in the light of contractual provisions and practices as affected by the proposed trade reforms.

Big Advertising Budget

Einfeld disclosed that the company probably would spend more in advertising in the coming season than previously. Of this amount, 98 per cent will go to daily newspapers.

Einfeld paid tribute to the American press and said that it has aided the advancement of the screen.

"I believe that these two mediums," he said, "the greatest for entertainment and the greatest for information, have mutually influenced each other much more than is generally realized."

The coming season will be notable for promotional campaigns by the company, Einfeld declared, adding that the significant themes being treated on the screen lend themselves to energetic handling.

In addition to the "Dodge City" premiere to be held April 1 at Dodge City, Kan., Einfeld disclosed that "Juarez" will be given its premiere in Mexico City with big ballyhoo in which Hollywood celebrities will participate. Also, "The Kid From Kokomo" will be first shown in the Indiana city from which the film derives its title.

Sears sounded the keynote of his company's production for the coming season when he stated, "Action is the secret of successful motion picture making, for the simple reason that motion pictures should move."

"The tendency in recent years has been too much toward passivity on the screen," Sears said. "Last year Warner Bros. declared they were going to give the public action. We made that our slogan and we know we are on the right track."

"By action we don't mean necessarily gunfire, battle, murder and sudden death. Emphatically we don't mean the old-fashioned chase. But we do mean a definite dynamic quality which is of the essence of life itself. Too perfect an equilibrium means a dead motion picture—as it means a dead man. Passivity and subtlety are by no means the same thing. Passivity and artistic quality are by no means the same thing. Some excellent directors and actors have been shipwrecked on that misunderstanding. At Warner Bros. we intend to go on giving the public action, in motion pictures that move."

Notes on Warner Sales Meeting

William (Wild Bill) Warner, branch manager in Kansas City, and Fred Greenberg, head of the Indianapolis exchange, are holding a reunion. Greenberg at one time was a salesman under Warner.

●

Bill Bromberg of Chicago is very unhappy because he forgot to bring his candid camera.

●

Jimmy Coston, Chicago theatre zone manager, has challenged Grad Sears to a skee shooting contest. Warner experts say this is mere bravado because not even Doak Roberts of Dallas can beat Sears at the sport.

●

Lou Geller of Calgary is honeymooning here. He was married a week ago Sunday, and arranged the wedding date so his bride could accompany him to the convention.

●

Another celebrant is Lew McKenzie of St. John, who became a father a week ago Sunday. This date was not prearranged, however.

●

Jack L. Warner, Jr., is attending his first sales convention, as part of his course of training.

'Chinatown' Opening At Paramount Today

"King of Chinatown" opens today at the Paramount, with Chick Webb and his orchestra held over. "Never Say Die" grossed an estimated $32,000 in its week there. "Blackwell's Island" drew an estimated $12,100 in its second week at the Globe and will probably be held for four weeks.

"The Oklahoma Kid," which is doing big business at the Strand, will be held for a second week starting Friday. At the Criterion, opening of "I Was a Convict," which was set for today, has been delayed one week because "Fast and Loose" is being held over. "The 400,000,000" starts its second week at the Cameo today. Saturday, "Concentration Camp" (Amkino) opens at the Waldorf.

Pettijohn Local Boy Who Has Made Good

(Continued from page 1)

legislature. The legislators were in a reforming mood. They had passed a law for state prohibition and another giving women the right to vote. A bill had been introduced for film censorship. When the legislature adjourned, the censorship bill had been defeated and Indiana had legalized Sunday film shows after 1 P. M., the first state in the Union to do so.

News of Pettijohn's accomplishments spread to New York, and in the fall of 1915 he was invited by William A. Brady, head of the National Association of the Motion Picture Industry, to be the association's guest in New York. He came and he stayed.

He then became general attorney for the Independents' American Exhibitors Association, then switched to the Independent Producers' Association, who wanted distribution. When that job was accomplished, Pettijohn went into distribution, performing a legal service for Mutual Film Corp. Mutual was sold to Robertson Cole, which became F. B. O., and Pettijohn was appointed general attorney for the Lewis J. Selznick enterprises. He remained with Selznick until 1922.

Invited to Lunch

A week before Postmaster General Will H. Hays took over his job as head of the M.P.P.D.A., he and Selznick invited Pettijohn to lunch. Hays asked him if he would like to be general counsel for the organization. A day after Hays opened his office. Pettijohn moved in. This was 17 years ago.

By coincidence, Pettijohn was state secretary of the Democratic organization in Indiana, and a protege of Tom Taggart, at the time Hays was state chairman of the Republican committee. They were friends but political enemies.

Pettijohn seldom talks for publication. Yesterday, however, he became expansive when asked his impressions on his 25th anniversary.

"This is still the greatest business in America," he said. "But it has never faced as critical situation in its history as it does today, with people in the business fighting each other."

Problems to contend with, Pettijohn declared, are "television, which is on its way, and the studios furnishing our best players to radio as competition to theatres, and a desire on the part of very foolish people to get Government control of the business, which would mean machine-made product."

"The industry," he believes, "will never be hurt from the outside. It has been able to withstand all attacks from without. If it is ever destroyed, it will be from within.

No Need for Games

"Twenty-five years' experience in the business," he went on, "leads me to believe that we can run theatres without giving away dishes or baby carriages and without games of chance or five-hour programs.

"Let's get back to show business. Let's make good pictures and intelligently advertise and exhibit them.

"The savages in the industry ought to lay off their attacks. We need more loyalty to the industry as a whole. We need more vision, more courage, more guts. We need more going and doing and less whining and squawking.

"The whiners ought to get on their toes and the defeatists off their knees.

"The industry has been good to its people. There are people in the business who are attacking it and making a good living out of it who could not make a living at anything else in the world.

"I can think of no other business I'd like to see my two boys grow up in, and that's why I am worried about the future of this industry."

Equity Will Study Sunday Shows Plea

Sunday shows on Broadway's legitimate stage once more loomed as a possibility yesterday when the council of Actors' Equity appointed a special negotiating committee to confer with the League of N. Y. Theatres. The League requested that Equity waive its rule during the World's Fair requiring double pay for Sunday performances and Equity yielded to the extent of appointing a committee to discuss the matter.

Previous efforts along similar lines have receive scant consideration from the council.

New York legitimate producers, however, feel that the World's Fair presents a special situation and are hopeful of working out an agreement. The Equity committee consists of Edward Fielding, chairman, Franklyn Fox and Reed Brown, Jr. It was instructed to report back next Tuesday.

Yesterday's meeting also laid a basis for negotiations with the Fair. Robert Sherwood and Katharine Cornell won aproval of their plea to permit Robert Fleming, an alien actor, to appear in the forthcoming production of S. N. Behrman's "No Time for Comedy."

No Lab Deal Reached

Further conferences between Consolidated Film Industries and M. P. Laboratory Technicians' Union, Local 702, were held yesterday but no agreement was reached. No date for a continuation of negotiations was set.

Von Ripper Ampa Guest

Baron Carl Von Ripper will be guest speaker at the Ampa meeting tomorrow at the Hotel Astor, at which the drawing in the Motion Picture Art Fund campaign will be held.

F.P. Canadian Dividend

TORONTO, March 14.—Famous Players Canadian Corp., has declared a dividend of 25 cents per share on the common stock for the first quarter of 1939, payable March 31 to stockholders of record March 21.

Plans 'Ecstasy' Sequel

HOLLYWOOD, March 14. — Gustav Machaty left the M-G-M lot today announcing he will make "Girl of Ecstasy" independently as a sequel to "Ecstasy" in which he directed Hedy LaMarr.

W.E. Sets Dividend

Directors of Western Electric yesterday declared a dividend of 25 cents per share on the common stock, payable March 31 to stockholders of record March 24.



EVERYBODY'S ENTITLED TO BLOW HIS OWN HORN!

And Everybody's Doing It!

(But listen carefully for the *sour* notes!)

(It's still true!)→ # "PICTURES TALK LOUDER THAN WORDS!"



(It's truer than ever!)→ # M-G-M is the Bread and Butter of the Film Industry!

This season as in every past season M-G-M has delivered the back-bone product of motion picture business! For instance:



He's looking for a bigger word than COLOSSAL to describe the hit record this year of

M-G-M

The Friendly Company

"BOYS TOWN", Spencer Tracy, Mickey Rooney.

"THREE LOVES HAS NANCY", Robert Montgomery, Janet Gaynor, Franchot Tone.

"TOO HOT TO HANDLE", Clark Gable, Myrna Loy.

"STABLEMATES", Wallace Beery, Mickey Rooney.

"YOUNG DR. KILDARE", Lew Ayres, Lionel Barrymore.

"THE CITADEL", Robert Donat, Rosalind Russell.

"THE GREAT WALTZ", Luise Rainer, Fernand Gravet, Miliza Korjus.

"THE SHINING HOUR", Joan Crawford, Margaret Sullavan, Robert Young, Melvyn Douglas.

"OUT WEST WITH THE HARDYS", Mickey Rooney, Lewis Stone.

"SWEETHEARTS", Jeanette MacDonald, Nelson Eddy.

"STAND UP AND FIGHT", Wallace Beery, Robert Taylor.

"IDIOT'S DELIGHT", Norma Shearer, Clark Gable.

"FOUR GIRLS IN WHITE", Alan Marshal, Florence Rice.

"HONOLULU", Eleanor Powell, Robert Young, George Burns, Gracie Allen.

"The Adventures of HUCKLEBERRY FINN", Mickey Rooney.

"PYGMALION", Leslie Howard, Wendy Hiller.

"THE ICE FOLLIES OF 1939", Joan Crawford, James Stewart, Ice Follies Troupe.

"SERGEANT MADDEN", Wallace Beery.

"BROADWAY SERENADE", Jeanette MacDonald, Lew Ayres.

—And watch for these:

"CALLING DR. KILDARE", "LUCKY NIGHT", "MAIDEN VOYAGE", "THE HARDYS RIDE HIGH", "IT'S A WONDERFUL WORLD", "GOODBYE MR. CHIPS", "TARZAN", "RETURN OF THE THIN MAN", Etc.



TRUE STORIES FROM ALTEC FILES



EDWARD M. FAY,
Owner,
Fays-Majestic-Carlton
Theatres,
Providence, R. I.

System Restored Day After Flood Hits N. E. Theatre

PROVIDENCE, R. I.—"When the flood and tidal wave of last September hit Providence, doing untold damage to theatres here in Providence, our Fays Theatre was flooded to an average of twelve feet in the auditorium," declared Edward M. Fay, prominent owner-exhibitor.

"I notified A. W. Hyde, our local Altec service inspector, that some DC power would be available. Although the flood was still raging, Altec rushed equipment by truck from Boston and from New York by plane, and the very next day, Altec had set up temporary apparatus and notified me that the system was ready to operate."

"Since the flood, other services that Altec has performed have paid for my service agreements for some time to come."

• • •

Let the Altec service inspector tell you, without obligation to yourself, what Altec service means in greater protection to your equipment, greater freedom from worry for yourself. Write to

ALTEC
SERVICE CORPORATION

250 West 57th Street, New York City

THE SERVICE ORGANIZATION
OF THE MOTION PICTURE INDUSTRY

Out Hollywood Way

HOLLYWOOD, March 14.—"Man of Conquest," Republic's high-budget film, is about finished, following a 10-day delay caused by the broken hand suffered by RICHARD DIX during shooting of an Indian sequence . . . The same company's second serial, "Daredevils of the Red Circle," will go into work March 27, under the direction of JACK ENGLISH and WILLIAM WHITNEY . . . BERT GILROY will produce and DAVE HOWARD will direct "Timber Stampede," starring GEORGE O'BRIEN, at RKO.

✚

Paramount will start shooting on "Disputed Passage," LLOYD C. DOUGLAS novel, on April 15. In leading roles will be DOROTHY LAMOUR, AKIM TAMIROFF and ROBERT PRESTON, with HARLAN THOMPSON producing . . . Paramount has started shooting on "Mr. and Mrs. Bulldog Drummond," eighth of the series. JOHN HOWARD and HEATHER ANGEL are in the leads, supported by H. B. WARNER, REGINALD DENNY, E. E. CLIVE, ELIZABETH PATTERSON, with JAMES HOGAN directing and STUART WALKER producer. . . . The completion of "Rose of Washington Square" at 20th Century-Fox has been delayed by the illness of ALICE FAYE and AL JOLSON, both at home with severe colds.

✚

GEORGE CUKOR will direct NORMA SHEARER in the M-G-M film, "The Women." . . . GEORGE TOBIAS, who appeared on the stage in "You Can't Take It With You," has been signed to a long term contract by M-G-M. . . . The same company will film "Music Is My Faith," autobiography of DAVID MANNES. . . . EDWARD SMALL has four productions planned, "My Son, My Son," "The Man in the Iron Mask," "Kit Carson, Avenger," "Pago, Pago."

Kuykendall, Cole, Brandt to Address M-G-M Convention

Heads of three exhibitor organizations will address M-G-M's annual sales convention to be held next Sunday to Tuesday at the Palmer House in Chicago. Ed Kuykendall, president of the M. P. T. O. A., Col. H. A. Cole, head of national Allied, and Harry Brandt, president of the New York I. T. O. A., will discuss exhibitor-distributor relations and trade problems.

The exhibitor leaders were invited by William F. Rodgers, general sales manager and chairman of the distributors' trade practice negotiating committee.

About 250 will attend the three-day meeting including district and branch managers, salesmen and exploitation men. In addition to the general convention, there will be divisional and district sessions.

Rodgers will preside and will outline the new product on Tuesday. Howard Dietz, director of advertising and publicity, will present the promotion campaign for the year. The concluding feature will be a banquet Tuesday night. M-G-M's 15th "birthday anniversary" will be the motif of the convention, for which William R. Ferguson, exploitation manager, is lining up special stunts.

Nicholas M. Schenck, president, will head a large home office and studio delegation which will include, besides those mentioned, Arthur Loew, Al Lichtman, T. J. Connors, Edward M. Saunders, Joseph Vogel, J. A. Gove, Si Seadler, Howard Strickling, Frank Whitbeck, Barrett C. Kiesling, J. S. MacLeod, Alan F. Cummings, William D. Kelly, Edwin W. Aaron, Charles F. Deesen, I. L. Hirsch, Harold Postman, Joel Bezahler, Irving Helfont, M. L. Simons, Arthur Lacks, Herb Morgan and Charles J. Sonin.

Sam Eckman, managing director in Great Britain, and Walter Hayner, Canadian representative, also will attend.

Hinge Is Elected President of CEA At Annual Meeting

LONDON, March 14.—Edward J. Hinge, who controls one of the largest independent circuits in England, and has been chairman of the Northern Branch of the Cinematograph Exhibitors' Association, as well as a member of the C.E.A. General Council, was elected president of the exhibitor organization at the annual meeting today.

H. P. Mears and J. R. Povener were still in a tie for the vice-presidency after four recounts, and a new poll will be necessary.

The meeting was devoid of excitement. There were many references to the widening breach between the circuits and independents and appeals for the former to be more cooperative. Opposition to an increased quota was voiced and allusions were made tactfully to the service charge problem. Tributes were paid to Ken Nyman, retiring president of the C.E.A.

Nearly 1,000 attended the annual banquet of the organization tonight at the Grosvenor House.

Sir John Anderson, chief banquet speaker, warned of the need for wholehearted cooperation in the event of war, and against large assemblages and brilliant signs. Hinge promised the cooperation of the organization.

New CBS Rate Card To Be Issued Today

CBS today will issue its new rate card, No. 25, the terms of which take effect on April 1. It includes the seven new stations added by CBS, bringing the total to 115.

Only rate increases noted on the card are in Cleveland, Tulsa and Yankton, where there are power increases or other improvement in coverage. The stations are WGAR, KTUL, WNAX. The seven new CBS stations appearing on the card are KGGM, Albuquerque; WWNC, Asheville; WRBL, Columbus; WBRY, New Haven-Waterbury; KOIL, Omaha; WGAN, Portland, and WKAQ, San Jose, Porto Rico.

Admission Taxes Will Be Extended, States Bankhead

WASHINGTON, March 14.—Extension of admission and other nuisance taxes is the only revenue legislation expected to be enacted during the current session of Congress, Speaker of the House Bankhead said today.

Discussing the tax situation, the Speaker forecast there would be no general revision of tax laws this year and indicated his belief that the undistributed profits tax would not be repealed in favor of a flat rate for corporations, saying that the latter was more burdensome on small corporations than is the present levy.

Bankhead emphasized that he was giving his own views only.

Atlantic Doubling Baseball Schedule

Atlantic Refining Company's 1939 program of play-by-play baseball broadcasting is the largest ever undertaken. with 1,842 games scheduled to date over a web of 32 stations from New Hampshire to Georgia. This year's campaign practically doubles the company's baseball activities of last year.

The Philadelphia Athletics and Phillies, the Boston Red Sox and Bees and the Pittsburgh Pirates head the list of major league teams whose games will be broadcast by Atlantic. Minor league teams in the Atlantic schedule are Syracuse, Rochester, Baltimore, Williamsport, Binghamton, Scranton, Elmira, Wilkes Barre, Albany, Savannah, Augusta, Richmond, Charlotte, Newark.

Asks Easing of FCC Transcription Rules

WASHINGTON, March 14.—Easing of Federal Communications Commission rules on electrical transcriptions was urged today at the monopoly committee hearing.

Gerald King, head of the transcription producers of Hollywood, made the plea and also recommended stiffer regulation on standards for wire lines and reproducing equipment. King said that CBS was planning to parallel the NBC service to meet competition of RCA.

Trial of $250,000 Time Suit Begins

Trial of a $250,000 damage suit brought by Lou Goldberg, general manager of Major Bowes amateur units, against Time, Inc., started yesterday in the N. Y. Supreme Court before Justice Ferdinand Pecora. Goldberg claims to have imparted in January, 1933, the idea to Roy E. Larsen of transporting the "March of Time" radio program to the screen,

In 1934, Goldberg testified, *Time* used his idea in starting their series, but has not paid him for the plan.

Radio Bill in Albany

ALBANY, March 14.—A companion measure to that in the lower house providing libel and slander suit exemption for broadcasters has been introduced in the senate.

GN Has 3 Features Ready for Release

Grand National has three completed features ready for release and production arrangements have been set for three others, Jack Skirball, vice-president and production head, reported yesterday. Negotiations are proceeding for financing of additional product beyond that, it was said.

Completed pictures are Eugene Frenke's "Exile Express," with Anna Sten; Skirball's "Everything Happens to Anne," with Heather Angel and Constance Collier, and "Six-Gun Rhythm." Skirball leaves for the coast Friday to start work on "Miracle on Main Street," which is scheduled to get under way before April 1 with Stephen Sekely directing and Margo in the stellar role. "Seven Miles from Alcatraz" is scheduled to follow with Al Christie directing, and after it Grand National's Max Baer production.

Whether or not some of these will be held for new season release will be decided at a meeting to be held either here or in Chicago early next week which will be attended by Earle W. Hammons, president, and Morris Safier, Sol Edwards and James Winn, sales officials, who are now making a national survey of the company's sales possibilities for the immediate future. Hammons is scheduled to leave the coast Friday.

Would Hold 3 Features

An adjustment of the company's difference with Franklyn Warner would give it an additional three features for release in the near future.

Meanwhile, due to the lack of product over the past two months, strict economies have been placed in effect in exchanges and at the home office. However, Skirball said that reductions in the national sales staff had been confined to 12 salesmen and that a new Boston branch manager, Joseph Kaliski, formerly with G. B., had been named recently. Home office staff reductions were limited to 11 members of the clerical and stenographic staff and Robert Savini, formerly in charge of reissues for Atlantic Pictures, an Educational subsidiary, whose activity was discontinued last November; and William J. Neary, general auditor, and Frank Ferris, cashier.

Norman C. Nicholson, treasurer, described the lay-offs as "temporary," pending delivery of new product, and was emphatic in saying that no further reductions of personnel would be made.

Named Fund Chairmen

Chairmen of the various industrial sections in the 1939 campaign of the Greater New York Fund include: J. Robert Rubin, motion pictures; Marcus Heiman, entertainment; William S. Paley and Lenox R. Lohr, broadcasting; Victor E. Cooley, N. Y. Telephone Co., communications.

Mrs. Fred Hall Dies

Mrs. Fred M. Hall, wife of Fred M. Hall, vice-president of Bell & Howell, died yesterday at her home in Port Washington, L. I. Besides her husband, Mrs. Hall is survived by a daughter, Marjorie, and her mother. Services will be held at Port Washington tomorrow.

Hollywood Previews

"Zenobia"

(U. A.-Roach)

HOLLYWOOD, March 14.—Straightway marquee billing of this as the first Oliver Hardy picture since the Stan Laurel divorcement, and his first with Harry Langdon alongside is, in view of the wide publicity attendant upon the separation, plainly indicated procedure. It may be followed by exhibitors in full confidence that experienced Hal Roach has taken no chances on letting them down. He has taken two important precautions against that. "Zenobia," although a comedy and slapstick in part, is not a comedy in the old-Laurel-Hardy pattern, hence cannot be compared directly with previous works. Further, the producer has enriched the cast by adding such personalities as Billie Burke, Alice Brady, Jean Parker, June Lang, J. Farrell MacDonald, Hattie McDaniels and Step'n Fetchit, a tidy bundle of exploitation names.

The South of 1870 is the setting of Corey Ford's screenplay, derived from an H. C. Bunner short story, and Hardy plays a small town doctor whose daughter's engagement to the local social leader's son inspires that lady's lively opposition. While this distressing complication is being resolved the doctor's activities are cramped by a friendly elephant's insistence upon dogging his footsteps, outdoors and in, creating divers highly diverting situations. The picture turns serious for a vital two minutes whilst a pickaninny recites the Declaration of Independence, an incident roundly applauded by the preview audience, and ends on a merry note with disclosure that the elephant's real reason for staying close to the doctor has been incipient, and ultimately achieved, maternity.

Gordon Douglas, responsible for many an "Our Gang" comedy, steps firmly up into feature director division by keeping this intentionally bizarre story unfolding reasonably and realistically. He places Hardy and Langdon together only intermittently but makes of their principal session an extremely hilarious success. Miss Burke as the doctor's wife and Miss Brady as the social leader have assignments cut to their measure. A. Edward Sutherland's production is competent and satisfying.

Running time, 73 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

"Love Affair"

(RKO)

HOLLYWOOD, March 14.—Perhaps only McCarey, producer, director and co-author with Mildred Cram, could combine so many dissimilar types of entertainment within one production and have them add up to equal an artistic whole. The brilliant performances of Irene Dunne and Charles Boyer, supported by those of Maria Ouspenskaya, Lee Bowman and minor players, contribute mightily to the success of the enterprise, a tribute likewise to the writing dexterity of Delmar Daves and Donald Ogden Stewart, responsible for the script and for dialogue as effective in brilliant banter as in dramatic understatement. The picture is a cunningly wrought item of unquestionably saleable box-office merchandise, a film in the varnished manner but shot through with plain situations, tempered with popular music and brought close to the common people periodically by old-fashioned use of child interest.

The picture opens with Miss Dunne and Boyer as glamorous young woman and sophisticated young man, both well supplied with funds from vaguely suggested sources, who work their way down through several stages of artfully phrased romantic fencing to a common understanding that their mutual interest is sincere. A visit to the Madeira home of Boyer's grandmother and a chapel interlude convinces them they are really in love at last and when the boat docks in New York they pledge themselves to meet six months later and marry if each has managed to get rid of entangling alliances and still feels the same way about the other by then. An accident with possibly permanently crippling result prevents the girl from keeping her appointment and the man gives up his work for his previous career of charm. They get together in the end.

The production is most powerful in individual sequences and in numerous sparkling bits of acting. It contains several striking displays of the McCarey technical skill and the final sequence is a triumph of acting, direction and writing. Emphasis is upon the new and clean romance of the couple throughout, with the exact nature of their respective pasts ever so delicately registered for the information of the adult observer.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general audience classification.

'Freedom' Is Frisco Best; Hits $15,800

SAN FRANCISCO, March 14.—"Let Freedom Ring," paired with "Four Girls in White" to draw $15,800 at Fox, highest gross of a poor business week. Exposition competition and bad weather was responsible.

Estimated takings for the week ending March 7-10:

"The Saint in San Francisco" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: Vaudeville. Gross: $11,500. (Average, $16,000)
"Topper Takes a Trip" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 3rd week. Gross: $6,400. (Average, $7,000)
"You Can't Cheat an Honest Man" (Univ.)
"My Son is a Criminal" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $9,200. (Average, $8,500)
"Let Freedom Ring" (M-G-M)
"Girls in White" (M-G-M)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,800. (Average, $17,000)
"Wings of the Navy" (W. B.)
"Arizona Wildcat" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-55c-75c), 7 days, 2nd week. Gross: $10,500. (Average, $13,000)
"Pygmalion" (M-G-M)
ST. FRANCIS—(1,400) (15c-35c-40c-55c-75c), 7 days, 3rd week. Gross: $7,800 (Average, $7,000)
"Yes, My Darling Daughter" (W. B.)
"Pardon Our Nerve" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c). 7 days, 2nd week. Gross: $8,500. (Average, $13,000)
"The Story of a Cheat" (Gallic)
CLAY—(400) (15c-35c-40c), 7 days. Gross: $950. (Average, $1,300)
"Two Hearts in Waltz Time" (Zwicker)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $900. (Average, $1,300)

New Defendants List Is Set in Trust Suit

(Continued from page 1)

will be excused as a United Artists defendant but will be substituted for Leo Spitz, whom he succeeded as RKO president. In addition, the 13 newly designated directors of reorganized RKO are expected to be substituted for the former directors of the old company, who will be excused. Among the latter group are George N. Armsby, Cornelius N. Bliss, Maurice Goodman, Edward W. Harden, DeWitt Millhauser, Frederick Strauss, Courtland Smith and M. H. Aylesworth.

Universal defendants who probably will be excused are Charles R. Rogers, former production head and board member, and James P. Normanly, former studio executive. Charles Prutzman, general counsel, probably will be substituted for Rogers.

H. A. Fortington, former Paramount director, is expected to be excused and Edwin L. Weisl, new member of the Paramount board, substituted.

Schiller may Be Excused

Eward A. Schiller may be excused as a Loew's defendant because of his inactive status. Also, William A. Phillips who was succeeded on the board by Henry A. Winthrop, may be excused as a defendant, and the latter substituted.

The Government yesterday submitted an order to Federal Judge William Bondy for permission to examine Edward C. Raftery, United Artists secretary, and Harry J. Muller, treasurer, on March 21, before W. G. Briggs, notary public.

"HEY, MUMMY, IF ALL THOSE NICE EXHIBITORS LIKED OUR FIRST PICTURE SO MUCH, WAIT 'TIL THEY SEE YOU, POP, ME AND DAISY IN OUR SECOND!"

BLONDIE MEETS THE BOSS

IT'S A BOW-WOW W-O-W!

BASED UPON THE COMIC STRIP CREATED BY CHIC YOUNG

COLUMBIA PICTURES

PENNY SINGLETON ★ **ARTHUR LAKE** ★ **LARRY SIMMS**

as Blondie *as Dagwood* *as Baby Dumpling*

AND SKINNAY ENNIS AND HIS BAND

A COLUMBIA PICTURE

SCREEN PLAY BY RICHARD FLOURNOY

DIRECTED BY FRANK R. STRAYER

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 05. NO. 51 NEW YORK, THURSDAY, MARCH 16, 1939 TEN CENTS

FCC Censors By 'Back Door' Baldwin Says

Urges Lifting of Bars At Committee Hearing

WASHINGTON, March 15.—Roger N. Baldwin of the American Civil Liberties Union was the chief witness today before the monopoly committee of the Federal Communications Commission.

Charging the F. C. C. with exercising "back door" censorship Baldwin urged the lifting of all program restrictions on radio stations in the interests of free speech.

Cites McNinch's Statement

The commission, Baldwin said, is "trying to do by the back door what Congress has said should not be done through the front." He cited Chairman McNinch's statement after the Mae West complaint to the effect that programs would be considered when the NBC license came up for ap-

(*Continued on page* 19)

Block Booking Hit By Cole in Boston

BOSTON, March 15.—Col. H. A. Cole, Allied president, today reiterated his proposals for abolition of block booking and all clearance between prior and subsequent runs, at the first motion picture conference of the Massachusetts State Federation of Women's Clubs here.

Col. Cole also made the prediction that the Neely bill will pass before the "adjournment of the present Congress."

In his talk before the conference Col. Cole said:

"Because of block booking the exhibitor must buy, or rather lease blindly one company's whole output usually without knowing what he is getting. There is a cancellation clause in most of these contracts, but it does not amount to a row of pins."

Metro to Reissue Four This Spring

M-G-M will reissue four features this spring and summer. They are "Mutiny on the Bounty," released in 1935; "The Champ," 1931; "Rose Marie," 1936; "San Francisco," 1936.

Asher Heading Own Producing Division

London, March 15.—Irving Asher, presently associate producer with London Films, will soon head his own producing division, under the same financial sponsorship but associated directly with the studio company (Denham-Pinewood). Asher's division, now in process of being organized, will produce separately pictures for release by Columbia as well as other outside firms.

Prutzman Is Elected Board Member of 'U'

WILMINGTON, March 15.—Charles D. Prutzman, special counsel for Universal for the past year, was elected to the board of Universal Pictures at the annual meeting of stockholders here today and will be named vice-president and general counsel of the company at the board meeting to be held in New York on Monday.

Prutzman fills the board vacancy created by the recent withdrawal of Charles R. Rogers, former production head of the company. Universal has had no general counsel since the resignation of Willard S. McKay about a year ago. Prutzman spent about half his time at the Universal office in his capacity as special counsel during the past year. He will resign now from the New York law firm of

(*Continued on page* 19)

Exhibitors Called M-G-M Partners By Howard Dietz

"M-G-M regards exhibitors as its partners and we want the advice of their leaders to help us formulate our policy for next year," yesterday declared Howard Dietz, advertising and publicity director for the company.

That, said Dietz, is the reason for the invitation extended by William F. Rodgers, M-G-M general sales manager, to heads of three exhibitor organizations to address the company's sales convention in Chicago. Col. H. A. Cole of Allied, Ed Kuykendall of the M. P. T. O. A. and Harry Brandt of the New York I. T. O. A., are scheduled to discuss trade problems at the meeting on Monday or Tuesday.

Believed Precedent

The attendance of exhibitor organization leaders at a major company's sales convention is believed to be without precedent.

The move is not merely a gesture of goodwill," said Dietz. "This is a

(*Continued on page* 19)

Myers Arrives for Trade Pact Sessions

Abram F. Myers, Allied general counsel, arrived yesterday from Washington to attend conferences with distributors' counsel on the trade practice program. Discussions will center on completing terminology of the pact, with special reference to arbitration principles and procedure.

Further progress toward adoption of the agreement probably will not take place until the return of William F. Rodgers, M-G-M general sales manager, and S. R. Kent, 20th Century-Fox president.

Warners Plan Percentages From 35 to 20

To Sell Short Subjects Apart from Features

Warners' 36 "A" pictures announced for 1939-40 will be sold on percentage, ranging from 35 to 20 per cent, and the 12 "B" features will be sold on flat rental. Twenty-four of the "A's" will fall in the top brackets. These will be released on the basis of two each month.

That is Warners' general sales policy for the new season, but it will be flexible and designed to meet varying situations.

Shorts will be sold independently and separately from features. Exhibitors will not be obliged to buy shorts in order to obtain the features. The same policy will supply to trailers.

This is one of the concessions in the trade practice program which is

(*Continued on page* 19)

U.S. Loses Market In Czecho-Slovakia

Whatever market for American films that persisted in Czecho-Slovakia since the Sudeten settlement of last fall will be completely lost as the result of current developments there, in the opinion of home office foreign departments.

Overthrow of the Czech Government nullifies the reciprocal trade treaty between that country and the United States and with it, of course, the companion agreement covering motion pictures which was negotiated separately in Prague. Foreign departments believe that American films will be banned officially or unofficially at once and German films distributed in their place.

The Czech market, however, has been greatly restricted since the occurrences of last fall.

Weekly Screen Attendance Estimated at 85,000,000

Attendance at film theatres in the United States during 1938 was about 85,000,000 weekly and in the rest of the world 150,000,000. Theatres in the United States grossed an estimated one billion dollars during the year. Taxes paid by the industry to the Federal Government annually are estimated at $100,000,000.

These statistics are contained in an annual compilation of general information on the industry issued by the Hays office. The book covers the entire field, presenting a mass of information on exhibition, distribution and production.

The statistical section also includes such data as that the industry represents a capital investment of $2,000,000,000 in the United States, with $1,880,000,000 in theatres, $100,000,000 in studios and $20,000,000 in distribution; 282,000 persons estimated to be regularly employed in the industry, and that annual payrolls total about $368,560,000.

It is also shown that the Production Code Administration in 1938 approved 491 features made in the United States and 54 foreign films, and that American distributors reissued 49 features during the year.

Phila. Allied Set to Urge Doubles Ban

Philadelphia, March 15.—Local Allied unit is expected to urge exhibitors to cease double featuring major productions at a meeting at the Broadwood Hotel next Tuesday. All exhibitors in the territory have been asked to attend the meeting, called solely to discuss duals.

Budd Rogers Reports British Film Dearth

British exhibitors are complaining because the lack of native product makes it difficult for them to fulfill Government requirements for screen time for English made films. The "quickie" producer has been virtually eliminated from the English production scene by the quota laws. Budd Rogers, U. S. general manager for Mayflower Productions and vice-president of Alliance Films, returned from a six-week trip to London and Paris on the *Ile de France* yesterday, with these observations.

However, he declared that business in England is slightly ahead of 1938. He brought with him a print of "St. Martin's Lane," which Paramount will release in this country. The release date will be set after conferences next week.

Notices of Objection On RKO Not Needed

Federal Judge William Bondy has ruled that Irving Trust Co., as trustee of RKO, would not be compelled to forward notices to creditors and stockholders of RKO of objections to the approval of the plan of reorganization made by Ernest W. Stirn, holder of Class A stock.

Judge Bondy stated that these objections have "already been considered and overruled" a number of times, and that the rules of the court have been complied with. He directed notice of the objections to be sent only to RCA, Lehman Bros. and Lehman, Corp., since they recently were permitted to file claims.

Call Mass Meeting In I. A. T. S. E. Row

HOLLYWOOD, March 15.—Suspended officers of Studio Technicians Local 37, I.A.T.S.E. today set up rival headquarters to those seized by international representatives and called a mass meeting of the membership for Sunday. Hearing of charges brought against the local's suspended officers slated for last night, was postponed until after arguments on the restraining orders issued by the federal courts.

Report Favorably on Projection Measure

ALBANY, March 15.—Projectionists' bill, introduced by Assemblyman Robert Crews, affecting New York City, has been favorably reported out of committee. It is the first time a projection bill, customarily introduced by Crews, has been in line for a vote by the Assembly.

Col. to Ask Dismissal

Columbia Pictures Corp. has filed notice that it will apply to Federal Judge Samuel Mandelbaum March 24 for an order dismissing the complaint of a $250,000 plagiarism suit brought by Gerald K. Rudulph. Action charges piracy of plaintiff's play, "Expose," in the picture of the same title.

To Close Casa Manana

Billy Rose's Casa Manana will close Saturday for three weeks.

Purely Personal

LYNN FARNOL, United Artists advertising and publicity director, had a birthday yesterday. He leaves for the coast by plane today and plans to be back early next week.

•

ROBERT GILLHAM, Paramount advertising and publicity director, is in Kansas City on business and will return to the studio from there.

•

JOHN BALABAN leaves tomorrow from Chicago for the coast for several weeks of conferences with Paramount officials at the studio.

•

FRANK P. DONOVAN has left for Hollywood to complete "Moonlight and Moonshine," first of six planned for Imperial release.

•

EDDIE CARRIER, M-G-M exploitation representative, left for Chicago yesterday in advance of the company's convention.

•

WILLIAM K. HOLLANDER, advertising and publicity director of B & K in Chicago, has returned from a Miami vacation.

•

EDDIE ALBERT will return to Hollywood shortly to appear in the Warner film version of the musical, "On Your Toes."

•

WINIFRED SEYMOUR, formerly in the film business here, is in Nicholas Senn Hospital, Omaha, with a fractured arm.

•

BOB WILBY has left after conferences with BARNEY BALABAN at the Paramount home office.

•

HERMAN ROBBINS, president of National Screen Service, has returned from a Florida vacation.

•

EMIL FELDBERG has been named Connecticut representative for National Screen Service.

•

GEORGE DAVID, film editor of the Rochester *Democrat-Chronicle*, has been visiting here.

•

D. A. ROSS, general manager of Ross Federal, is back from Florida.

•

ED HATRICK is back from the coast.

FRANK C. WALKER, head of the Comerford Circuit, is on an extended trip through the west and to the coast on business outside the industry.

•

JAMES CORNER, of the Broadway stage, has left New York to appear in Paramount's film version of "What a Life."

•

MR. and MRS. HARLAND RANKIN are the parents of a son, ROBERT KERR. RANKIN owns the Plaza, Tilbury, Ontario.

•

GEORGE OPPENHEIMER'S "A Yank at Eton" has been purchased by M-G-M for next season's production.

•

VINCENT THOMPSON, booker at M-G-M's New York exchange, is in Chicago on a special assignment.

•

AL HERMAN, Universal district manager, returns today from a brief visit to Washington.

•

LESLIE JEFFERIES is the new treasurer and assistant manager at Loew's State, Providence.

•

JAMES FAY, brother of ED FAY of Providence, is recovering after a recent illness.

•

GLORIA SWANSON and J. J. SHUBERT arrived on the *Ile de France* yesterday.

•

HERBERT A. STARKE, with RKO on the coast, has arrived by boat on a vacation.

•

NAT LEVY, RKO district manager at Detroit, is conferring at the home office.

•

DR. HERBERT T. KALMUS has arrived on the coast from New York.

•

AL ROSEN, manager of Loew's State, has recovered from the flu.

•

ATTORNEY BILL JAFFE has celebrated another birthday.

•

H. J. YATES is expected back from the coast on Monday.

•

I. J. LONDON of the Beacon, Detroit, is in town.

Cross-Complaint Filed

Skouras Theatres Corp., defendant in a suit brought by Epoch Producing Corp and Thomas Dixon, for alleged unlicensed exhibition of "The Birth of a Nation," yesterday filed cross-complaint against M. L. Mayer, stating that Mayer had claimed ownership of the film and had authorized exhibition in Skouras' Thalia Theatre. Skouras is one of seven defendants against whom an injunction and accounting of profits are sought.

Ross Promotes Kraker

J. A. Kraker, Ross Federal branch manager in Philadelphia the last five years, has been appointed district manager for Baltimore, Washington and Philadelphia. Previously he was branch head in Milwaukee, Kansas City and Oklahoma City.

Author Sues 20th-Fox

Suit charging plagiarism against 20th Century-Fox was filed yesterday in N. Y. Supreme Court by Stephen Tamas, who asked an injunction, accounting of profits and judgment for damages. Tamas claims to have written a scenario, "Stowaway," for Shirley Temple on March 24, 1936, at the defendant's request which, the complaint said, was used in a film of the same name that credited authorship to Samuel Engel.

Sunday Show Meet Set

Meeting between committees from Actors' Equity and League of N. Y. Theatres to discuss a basis for Sunday legitimate shows during the World's Fair will be held at the league's offices tomorrow.

Smallest House in New England Opens

Boston, March 15.—Telepix Cinema, the smallest theatre in New England, seating 250, has opened in the Arcade of the Park Square, an office building.

Policy will be to show short subjects and newsreels. J. Stanley Graves is preside of the Telepix Corp., and Irving A. Isaacs of Boston, treasurer.

John Aalberg Here On Inspection Trip

John O. Aalberg, director of RKO's sound department, is here from the coast on a tour of inspection in which he is checking on sound in RKO theatres in connection with new improvements.

Yesterday he visited the International Projector Corp. plant and conferred with Herbert Griffin, vice-president. He also inspected the RCA plant at Camden. He stopped off in Chicago en route.

S. H. Eller of H. E. R. Laboratories Is Dead

Stephen H. Eller, executive of H. E. R. Laboratories, Inc., died yesterday morning. He was one of the founders of the corporation, established 15 years ago. Surviving are his wife and one brother and one sister. Funeral services and burial will be in Milwaukee.

Doob Transfers Men

Oscar A. Doob, Loew's circuit advertising and publicity head, has made the following shifts: George Sharf, neighborhood publicity man, will assist Phil Laufer on New York newspaper contacts; Jerry Sager shifted from Brooklyn to midtown district, succeeding Sharf; Leonard Mayer, assistant to Sam Coolick in East Bronx, replacing Sager.

Associates Seek Funds

Jack Ellis, president of the Motion Picture Associates, has appointed a committee to seek financial aid from the Will Rogers Memorial Fund.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



POLICY... Twenty years ago, an idea was born. Because they believed that quality entertainment could be achieved only when the producers were permitted to make pictures the way they wanted to make them, Mary Pickford, Charles Chaplin, Douglas Fairbanks and D.W.Griffith formed United Artists Corporation....

HIS MAJESTY
THE AMERICAN
•
BROKEN
BLOSSOMS
•
THE MARK
OF ZORRO
•
WAY DOWN
EAST
•
THE THREE
MUSKETEERS
•
LITTLE LORD
FAUNTLEROY
•
ORPHANS OF
THE STORM
•
ROBIN HOOD
•
THE THIEF OF
BAGDAD
•
THE GOLD
RUSH
•
DON Q
•
LITTLE
ANNIE ROONEY
•
THE DARK ANGEL
•
THE SON OF
THE SHEIK
•
MY BEST GIRL
•
SORRELL AND SON
•
THE GAUCHO
•
THE CIRCUS
•
SADIE THOMPSON
•
COQUETTE
•
BULLDOG DRUMMOND
•
ABRAHAM LINCOLN
•
HELL'S ANGELS
•
CITY LIGHTS



The soundness of their belief attracted Samuel Goldwyn, Alexander Korda, David O. Selznick, Walter Wanger, Edward Small and Hal Roach in the years that followed.

Great pictures emerged, year in and year out, setting a high standard for the industry ... splendid achievements that represented a steadfast purpose . . . welcomed by the exhibitors of the world.

Now, we are about to celebrate twenty years of those achievements . . . twenty years of service . . twenty years of a standard faithfully maintained . . twenty years in which our success has been linked with the success of the exhibitor in the kind of showmanship which today brings him $10,000,000 worth of outstanding entertainment when he needs it most .



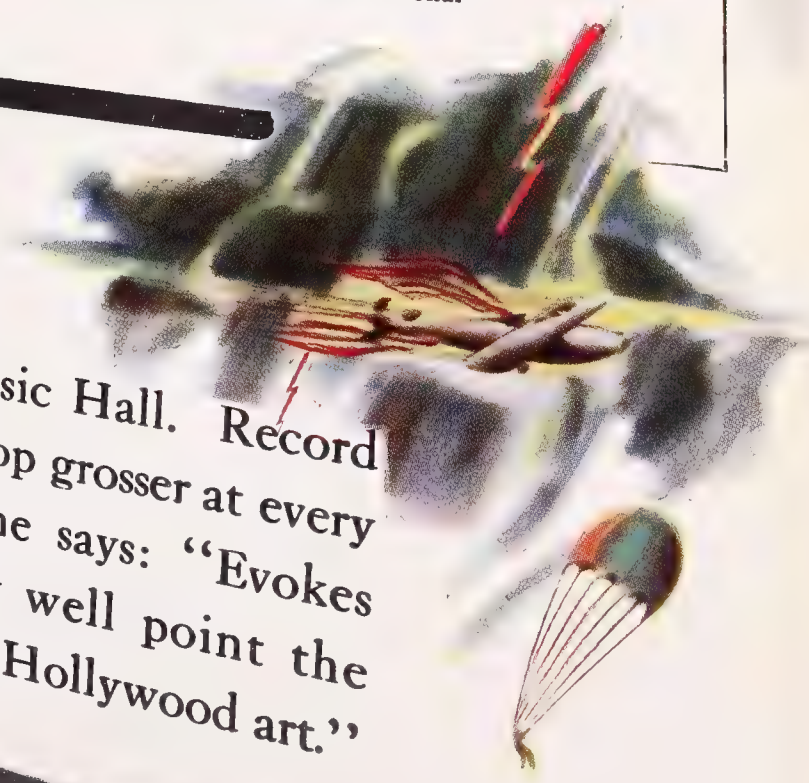
Carole LOMBARD · *James* STEWART

Made for Each Other

Produced by DAVID O. SELZNICK

Directed by John Cromwell · Screen play by Jo Swerling

Presented by Selznick International



Smash hold-over at Radio City Music Hall. Record shatterer at Aldine, Philadelphia. Top grosser at every subsequent opening. Life Magazine says: "Evokes such thrilling drama that it may well point the way to a saner, more human kind of Hollywood art."

READY FROM DAVID O. SELZNICK ★ ★ ★ CURRENT

UA

P.S. 4th WEEK SEATTLE

EDWARD SMALL *presents*

ADOLPHE MENJOU in

KING OF THE TURF

with

DOLORES COSTELLO · ROGER DANIEL · ALAN DINEHART

WALTER ABEL · HAROLD HUBER · WILLIAM DEMAREST

Screen play by GEORGE BRUCE • Directed by ALFRED E. GREEN

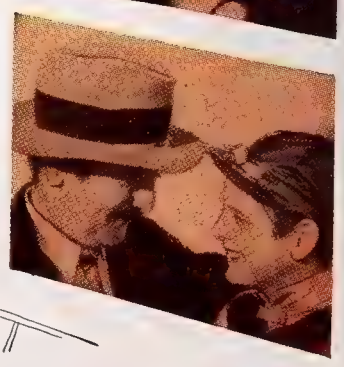
Produced by Edward Small Productions, Inc.



☆

The industry is cheering its "Stella Dallas" appeal. "Clicks as thriller and heart-tugger," says Hollywood Reporter. "Box-office without question," raves Motion Picture Daily. "Strong emotional punch," comments Film Daily. "Swell climax," asserts Box-Office.







READY FROM EDWARD SMALL ★ ★ ★ CURRENT

UA

"One of the year's important films."
—Joseph Vogel, Loew Theatres

"A powerful answer to the prayer of exhibitors."
—W. G. Van Schmus, Radio City Music Hall

"Outstanding picture of its type in many years."
—Vincent McFaul, Publix-Shea Theatres

"Should run until the horses die of old-age and all four wheels fall off the coach!"
—J. J. O'Connor, RKO Theatres



WALTER WANGER presents

STAGECOACH

DIRECTED BY
JOHN FORD
DIRECTOR OF "HURRICANE" AND "THE INFORMER"

with **CLAIRE TREVOR · JOHN WAYNE**
ANDY DEVINE · JOHN CARRADINE · THOMAS MITCHELL · LOUISE PLATT
GEORGE BANCROFT · DONALD MEEK · BERTON CHURCHILL · TIM HOLT

READY FROM WALTER WANGER ★ ★ ★ CURRENT

UA



Violent..startling..bringing to your marquee The Dead End Girls..a great ticket-selling angle. Four blazing performances from new Korda discoveries, headed by Corinne Luchaire who's blonde dynamite!

Alexander Korda *presents*

CORINNE LUCHAIRE

PRISON *without* BARS

with

EDNA BEST · BARRY BARNES

Mary Morris · Lorraine Clewes · Sally Wisher

Directed by
BRIAN HURST

•

Associate Producer
IRVING ASHER



READY FROM ALEXANDER KORDA ★★★ CURRENT

UA

I am Heathcliff...
I married a woman
I loathe...to *spite*
the one woman
I *love!*



Lavishly endowed with all that makes a Samuel Goldwyn picture great. Vigorously pre-sold to lead the Easter Parade thru full page color-ads to the 23,000,000 circulation of American Weekly, Ladies' Home Journal, Saturday Evening Post, McCall's, Collier's, Life and Cosmopolitan.

SAMUEL GOLDWYN presents:

WUTHERING HEIGHTS

co-starring

MERLE OBERON • LAURENCE OLIVIER • DAVID NIVEN

with FLORA ROBSON • DONALD CRISP • GERALDINE FITZGERALD

Screenplay by BEN HECHT and CHARLES MacARTHUR • Directed by WM. WYLER

From the great novel by Emily Bronte

READY FROM SAMUEL GOLDWYN ★ APRIL 7

UA

HATS OFF TO ZENOBIA!
Who is Zenobia? A deep, hilarious mystery on which to build your most intriguing exploitation campaign. The crowds' curiosity will be answered by a happy comedy played by a cast of Hollywood's most irresistible merry-makers!



HAL ROACH Presents

"ZENOBIA"

OLIVER HARDY • BILLIE BURKE
ALICE BRADY • HARRY LANGDON

with

JEAN PARKER · JAMES ELLISON · JUNE LANG
STEPIN FETCHIT · HALL JOHNSON CHOIR

Directed by GORDON DOUGLAS · Screen Play by COREY FORD
Adapted from H. C. BUNNER'S "ZENOBIA'S INFIDELITY"
A. Edward Sutherland, Producer

READY FROM HAL ROACH • APRIL 21

UA

The reckless exploits, the romantic love-making of Australia's famous Robin Hood...who led a daring revolt to bring peace to a savage continent!

HAL ROACH
presents

BRIAN AHERNE VICTOR McLAGLEN
JUNE LANG in

CAPTAIN FURY

with Paul LUKAS John CARRADINE Virginia FIELD Douglas DUMBRILLE



Personally Directed by
HAL ROACH

READY FROM HAL ROACH ★ MAY 7

UA

Eye-filling spectacle, swashbuckling action in the swift box-office pace of "The Count of Monte Cristo". One of the world's truly immortal stories . . played by a new romantic star combination!



EDWARD SMALL presents ALEXANDER DUMAS'

THE MAN IN THE IRON MASK

starring

JOAN BENNETT · LOUIS HAYWARD

with WARREN WILLIAM · ALAN HALE

JOSEPH SCHILDKRAUT · Directed by JAMES WHALE

READY FROM EDWARD SMALL • MAY 28

UA

ALEXANDER
KORDA
PRESENTS

FOUR FEATHERS

Never such a picture! Every thrill the screen can hold crowded into 7,200 seconds of flesh-and-blood excitement. Breathless adventure in authentic locales...all in vibrantly living Technicolor!





Directed by ZOLTAN KORDA
with
RALPH RICHARDSON • C. AUBREY SMITH
JOHN CLEMENTS • JUNE DUPREZ
Adapted by R. C. Sherriff from
the novel by A. E. W. Mason

READY SOON FROM ALEXANDER KORDA

UA

WHOOPEE
•
ARROWSMITH
•
PALMY DAYS
•
SCARFACE
•
KID FROM SPAIN
•
THE BOWERY
•
HENRY VIII
•
HOUSE OF ROTHSCHILD
•
CATHERINE THE GREAT
•
MONTE CRISTO
•
SCARLET PIMPERNEL
•
LES MISERABLES
•
CALL OF THE WILD
•
BARBARY COAST
•
THE GHOST GOES WEST
•
MODERN TIMES
•
LAST OF THE MOHICANS
•
COME AND GET IT
•
DODSWORTH
•
A STAR IS BORN
•
STELLA DALLAS
•
DEAD END
•
PRISONER OF ZENDA
•
THE HURRICANE



United Artists' policy will continue to afford opportunities to independent producers of merit on the basis of merit. Announcement will be made shortly of the 1939-40 schedule of productions, the culmination of twenty years of proud achievement.

Murray Silverstone

for UNITED ARTISTS CORPORATION

PRINTED IN U.S.A.

'Pygmalion' Hits $8,800, Minneapolis

MINNEAPOLIS, March 15.—"Pygmalion" took a strong $8,800 at the Century. Other theatres failed to make outstanding records with the exception of "A Man to Remember," which did $1,300 in its eighth week at the World and is continuing for the ninth.

In St. Paul "Three Musketeers" and a Major Bowes unit led the field with $5,500 at the Orpheum.

Estimated takings for the week ending March 9:

Minneapolis:

"Charlie Chan in Honolulu" (20th-Fox)
"Pirates of the Skies" (Univ.)
ASTER—(900) (15c-25c), 7 days. Gross: $1,600. (Average, $1,500)
"Pygmalion" (M-G-M)
CENTURY—(1,600) (25c-40c), 7 days. Gross: $8,800. (Average, $4,000)
"The Great Man Votes" (RKO)
"Blondie Meets the Boss" (Col.)
GOPHER—(990) (25c), "Man," 4 days; "Blondie," 3 days. Gross: $1,300. (Average, $2,500)
"Tail Spin" (20th-Fox)
ORPHEUM—(2,900 (25c-40c), 7 days. Gross: $3,500. (Average, $4,800)
"Made for Each Other" (U.A.)
STATE—(2,300) (25c-40c), 7 days. Gross: $4,500. (Average, $4,400)
"A Man to Remember" (RKO)
WORLD—(400) (25c-55c), 7 days, 8th week. Gross: $1,300. (Average, $1,400)

St. Paul:

"Three Musketeers" (20th-Fox)
ORPHEUM—(2,000) (25c-40c), 7 days with Major Bowes Unit. Gross: $5,500. (Average, $3,200)
"Made for Each Other" (U. A.)
PARAMOUNT—(2,500) (25c-40c), 7 days. Gross: $3,500. (Average, $4,000)
"St. Louis Blues" (Para.)
RIVIERA—(1,000) (25c), 7 days. Gross: $1,500. (Average, $1,800)
"Mr. Moto's Last Warning" (20th-Fox)
"Smiling Along" (20th-Fox)
TOWER—(1,000) (25c), 7 days. Gross: $1,300. (Average, $1,500)
"A Man to Remember" (RKO)
WORLD—(400) (25c-35c), 7 days, 4th week. Gross: $1,000. (Average, $700)

Garber and "Duke" $18,400 in Omaha

OMAHA, March 15.—Jan Garber and his orchestra headlined the Orpheum stage show to a smash $18,400. "The Duke of West Point" was the film.

"Trade Winds," dualled with "The Girl Downstairs" a the Omaha reported a good $7,200. "Blondie Meets the Boss" and "Let Us Live," both early releases at the Brandeis, took a good $5,300.

Estimated takings for the week ending March 8-9:

"Blondie Meets the Boss" (Col.)
"Let Us Live" (Col.)
BRANDEIS—(1,800) (25c-35c-40c), 7 days. Gross: $5,300. (Average, $4,000)
"Trade Winds" (U. A.)
"The Girl Downstairs" (M-G-M)
OMAHA—(2,200) (25c-40c), 7 days. Gross: $7,200. (Average, $5,500)
"The Duke of West Point" (U. A.)
ORPHEUM — (3,000) (35c-55c). Stage: Jan Garber and orchestra, 7 days, plus stage show. Gross: $18,400. (Average, $7,200)

Install Club Officers

OKLAHOMA CITY, March 15.—Paramount Pep club of the local Paramount Exchange has installed new officers. They include Francis Thompson, president; Reggie Pappas, vice-president; Sylvia Mays, secretary.

Hollywood Previews

"Trouble in Sundown"

(RKO)

HOLLYWOOD, March 15.—Fast moving, graphically told, "Trouble in Sundown" ranks among the best of the George O'Brien vehicles in the western series by RKO. O'Brien drives through the story, in a manner calculated by Director David Howard and Producer Bert Gilroy, who have collaborated on other O'Brien pictures, to add to the star's following.

O'Brien is supported by Rosalind Keith, Ray Whitley, Chill Wills, Ward Bond, Cyrus W. Kendall, Howard Hickman, Monte Montague, John Dilson and Otto Yamaoka.

Oliver Drake, Dorrell and Stuart McGowan, all widely experienced in outdoor action pictures, adapted the story by Charles F. Royal. To the script writers should go credit for a tale excitingly told, free from cliches.

O'Brien, stumbling onto a bank robbery, manages to get clues which would free the banker, whose daughter he loves. In attempting to clear the banker, he is attacked several times, but manages to uncover the real criminals.

Ray Whitley wrote the songs which the cowhands sing. The interpolations are so placed that the action does not suffer. The picture falls into the classification of "a western, with music."

Running time, 60 minutes. "G."* VANCE KING

"Risky Business"

(Universal)

HOLLYWOOD, March 15.—Seven years ago this William Anthony McGuire story was "Okay America," today it is "Risky Business." Transforming the lead character from a newspaper columnist to a radio commentator is the major change. Only slight alterations have been made in the plot development.

A Burt Kelly production, directed by Arthur Lubin, "Risky Business" stars George Murphy and makes available the talents of Dorothea Kent, Eduardo Ciannelli, Leon Ames, Arthur Loft, El Brendel, Frances Robinson, Pierre Watkin, Grant Richards, Charles Trowbridge and Mary Forbes.

A law and order crusader when he is not discussing Hollywood pictures and personalities, Murphy cracks a kidnapping case. However, upon delivering the ransom, he not only fails to rescue the victim, but finds that he has been double-crossed by master-criminal Ciannelli. Nevertheless, Ciannelli will allow Murphy to score his scoop, if the commentator will intercede with the governor in his behalf. Fighting fire with fire, Murphy double-crosses the gangster, kills him when his own life is menaced. But as he is broadcasting his sensational story, he is mortally wounded by the dead gangster's henchmen.

While there are occasional topical touches and humorous interludes, "Risky Business" develops its story in strictly melodramatic fashion.

Running time, 70 minues. "G."* G. McC.

"The Mystery of Mr. Wong"

(Monogram)

HOLLYWOOD, March 15.—An excitingly told melodrama, whose plot is complicated enough to suit the most critical followers of crime stories is "The Mystery of Mr. Wong." Boris Karloff again has the role of the famed Chinese criminologist created by Hugh Wiley.

With Karloff are Dorothy Tree, Grant Withers, Lotus Long, Morgan Wallace, Holmes Herbert, Craig Reynolds, Ivan Lebedeff, Hooper Atchley, Lee Tong Foo and Chester Gan, all of whom collaborated in the fashioning, with director William Nigh and screenplay writer Scott Darling, of an intensely gripping crime study.

Exhibitors playing the previous "Mr. Wong" pictures made by Monogram may gauge in advance their audiences' reaction to "The Mystery of Mr. Wong." This picture is more facile, yet more conflicting than its predecessors.

Scott Darling, a veteran of this field, wrote the screenplay from the widely read class magazine stories by Hugh Wiley. William Nigh directed the picture with dexterity.

"Wong," finding his friend, a collector of Chinese curios, murdered at a charade party, solves the mystery following an attempt on his life, another murder, and the machinations of a group of persons seeking to return to China a lost and highly valued jewel.

Running time, 70 minutes. "G."* VANCE KING

**"G" denotes general classification.*

'Huckleberry' Chicago High With $16,500

CHICAGO, March 15.—Business took an upward turn in the Loop, with "While New York Sleeps" at the State-Lake, plus Mitzi Green on the stage, doing a good $14,400. The Oriental with "There's That Woman Again" and "Next Time I Marry," plus vaudeville did $14,600.

"Huckleberry Finn" at the United Artists was strong at $16,500, the film playing without stage support. The weather was fair most of the week and this helped.

Estimated takings for the week ending March 8-11:

"Pygmalion" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 4th week. Gross: $7,600. (Average, $6,500)
"Cafe Society" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Roger Pryor and Ann Sothern. Gross: $27,200. (Average, $32,000)
"Three Musketeers" (20th-Fox)
GARRICK—(900) (35c-40c-65c) 7 days. Gross: $7,300. (Average, $6,500)
"There's That Woman Again" (Col.)
"Next Time I Marry" (RKO)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,600. (Average, $13,000)
"Fisherman's Wharf" (RKO)
PALACE—(2,500) (35c-55c-75c) 7 days. Stage: Blackstone & Revue. Gross: $17,-300. (Average, $19,000)
"Stagecoach" (U. A.)
ROOSEVELT—(1,300) (35c-55c-75c) 7 days, 2nd week. Gross: $12,600. (Average, $11,000)
"While New York Sleeps" (20th-Fox)
STATE-LAKE—(2,700) (25c-35c-40c) 7 days. Stage: Mitzi Green and Revue. Gross: $14,400. (Average, $12,000)
"Huckleberry Finn" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $16,500. (Average, $15,000)

'Stagecoach' At $7,500 in Seattle With 'Drummond'

SEATTLE, March 15.—"Stagecoach" and "Arrest Bulldog Drummond" grossed $7,500 here. Close behind came "Pygmalion," with $6,500 at the Music Box.

"Gunga Din" drew $3,600 in the third week at the Blue Mouse. The weather was rainy and cold most of the week.

Estimated takings for the week ending March 10:

"Gunga Din" (RKO)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,600. (Average, $4,000)
"The Beachcomber" (Para.)
"Boy Trouble" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $6,900. (Average, $7,000)
"Let Us Live" (Col.)
"The Lone Wolf Spy Hunt" (Col.)
LIBERTY—(1,800) (20c-30c-40c-55c) 7 days. Gross: $3,900. (Average, $5,000)
"Pygmalion" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days. Gross: $6,500. (Average, $4,000)
"The Three Musketeers" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,100. (Average, $6,000)
"Dark Sands" (Record)
"Forged Passport" (Repub.)
PALOMAR—(1,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Six Skating Marvels. Gross: $4,900. (Average, $5,000)
"Stagecoach" (U. A.)
"Arrest Bulldog Drummond" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,500. (Average, $6,000)

We're proud to work for

PARAMOUNT



REPRINT FROM
MOTION PICTURE DAILY
MARCH 14, 1939

"Midnight"

(Paramount)

HOLLYWOOD, March 13.—This is Claudette Colbert's best comedy since "It Happened One Night" and as much better than that Academy-immortalized classic as the cinema of 1939 is better than the cinema of 1934. This is, in fact, just about the best light comedy ever caught by a camera, as of the glad evening of March 8, 1939, when a cross-industry turnout enjoyed its preview screening with that wholesome, whole-hearted enthusiasm which, about once a year, erases company boundaries, banishes professional prejudices and makes of a top-flight Hollywood audience a mere theatreful of completely contented film fans for a night. It takes a pretty fine piece of entertainment to do that.

There is much about "Midnight" to gratify not only Miss Colbert and the general public but also Paramount and the general industry. There have been doubts in various quarters during recent years as to whether it is possible for the screen, under modern conditions, to deliver to the whole public a really smart, sophisticated comedy, suitable for family consumption and yet completely satisfying to adult and minor, metropolitan and agrarian, in content, execution, in individual detail and total result. Paramount has persisted in the theory that it can be done, despite certain disappointing efforts to do it, and Paramount herewith not only proves its theory triumphantly but supplies the industry a fine working model for guidance in achieving this difficult but delightful end.

Miss Colbert's performance is unquestionably her splendid best, but this is no one-performance picture. She has as companions in comedy the matured John Barrymore in fine fettle, dashing Don Ameche in a role fitting his ebullient phase perfectly, Francis Lederer and Mary Astor with precisely appropriate assignments, Hedda Hopper, Elaine Barrie and Rex O'Malley in superbly handled secondary parts which add roundness and reality to the swiftly spun narrative. There isn't a dull instant.

The screenplay by Charles Brackett and Billy Wilder, an expert script packed with brilliant dialogue, is from a story by Edwin Justus Mayer and Franz Schulz. It starts with arrival of Miss Colbert in a rainy Paris in evening dress without hat, wrap, baggage or money, and proceeds from there by a design too intricate and amusing for condensed synopsis. It is fast but not headlong, so funny in spots that whole minutes of dialogue are lost in audience laughter and so steadily humorous as to make its 90 minutes seem as 30. It never gets out of hand nor out of line.

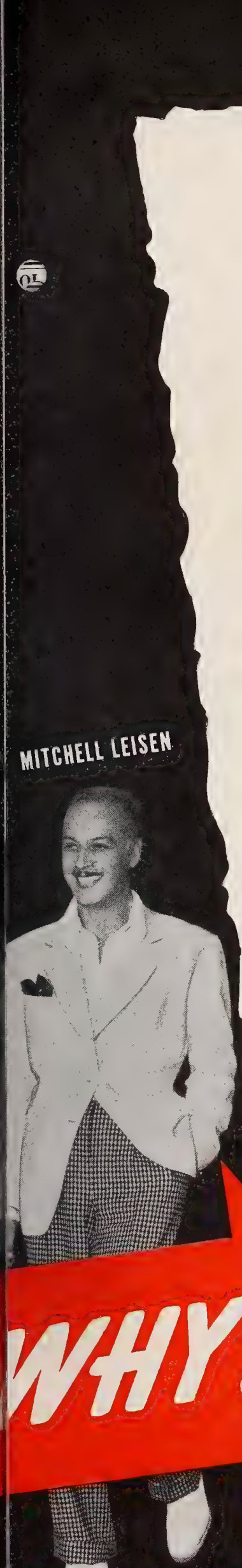
Arthur Hornblow, producer, and Mitchell Leisen, director, have many a fine picture behind them. They may have many more before them. This is one fine enough to carry their names on into tomorrow's lists of great artists if they never do another.

Running time, 90 minutes. "G"*

ROSCOE WILLIAMS

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* *"G" denotes general classification*



Paramount Pictures

When BIGGER pictures are made PARAMOUNT will make 'em!

'Stagecoach' Gets $12,000 From Detroit

DETROIT, March 15.—Business picking up with nicer weather and calming of labor trouble. United Artists took $12,000 with "Stagecoach" while "You Can't Cheat an Honest Man" plus stage show gave the Fox $22,000.

Double bill of "Cafe Society" and "Boy Trouble" at the Michigan took in $12,600.

Estimated takings for week ending March 10:

"Gunga Din" (RKO)
"Peck's Bad Boy" (RKO)
ADAMS—(1,700), 15c-40c, 7 days, 2nd week, 2nd run. Gross: $5,000. (Average, $5,000)
'You Can't Cheat an Honest Man" (U.)
FOX—(5,000) (20c-65c) 7 days. Stage: Dolinoff and Raya Sisters, Gene Sheldon, Una Cooper, Carter & Holmes, 16 Dansonettes. Gross: $22,000. (Average, $20,000)
"Cafe Society" (Para.)
"Boy Trouble" (Para.)
MICHIGAN — (4,000), 20c-65c, 7 days. Gross: $12,600. (Average, $10,000)
"Wings of the Navy" (W. B.)
"Prison Without Bars" (U. A.)
PALMS-STATE—(3,000) (20c-50c) 7 days, 2nd run. Gross: $5,500. (Average, $5,000)
"Stagecoach" (U. A.)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $12,000. (Average, $10,000)

Pass Arkansas Game Bill

LITTLE ROCK, Ark., March 15.—House bill to prohibit cash prize awards by Hempstead County theatres, has been passed by a vote of 82 to 6.

New York Review

"The 400,000,000"

(History Today-Garrison Films)

A frank propaganda film, "The 400,000,000" pleads the cause of the Chinese Republic. Documentary in treatment, it tells the story of the Japanese invasion, the suffering which followed, and ends with the courageous efforts of the Chinese to defend their homeland.

This is no picture for audiences seeking entertainment. Women weeping over the bodies of their husbands, children orphaned by the war, bombs, homes wrecked—all these are the subjects the film portrays. Before the end, there is created in the audience a passionate resentment against the invader. Although the film ends on a note of optimism for eventual Chinese victory, the shots of the boyish faces marching off to battle followed by the inevitable trek back of the wounded are a moving indictment of all war.

Joris Ivens and John Ferno, who wrote the script, and Helen Van Dongen, who edited, deserve credit for piecing together fragmentary shots into the present documentary form. They were aided materially by Dudley Nichols, who wrote the commentary, and Fredric March, who spoke it. Exhibitors who cater to audiences whose anti-Japanese sentiments are strong may find it profitable to give over their screens to this forceful propaganda appeal, but its value to the average commercial exhibitor is limited.

Listed on the credit sheet as sponsors of the film are Luise Rainer, Dorothy Parker, Lillian Hellman, Ernest Hemingway, Archibald MacLiesh, Herman Shumlin, W. Osgood Field and Nichols.

Running time, 60 minutes. "G."* ED GREIF

"G" denotes general audience classification.

Republic in Philippines

Acme Films, Inc., of the Philippines has renewed its distribution contract for one year with Republic.

'Beachcomber' Does $11,500, Cincinnati

CINCINNATI, March 15. — "The Beachcomber" with $11,500 at the RKO Shubert, did the best comparative business in a rather quiet week.

"The Little Princess" pulled $11,300 at the RKO Palace, and "Made for Each Other" did well with $5,000 on a moveover week at the RKO Capitol.

Estimated takings for the week ending March 8-10:

"The Little Princess" (20th-Fox)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $11,300. (Average, $12,000)
"Tail Spin" (20th-Fox)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $8,300. (Average, $10,000)
"The Beachcomber" (Para.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $11,500. (Average, $12,000)
"Made for Each Other" (U.A.)
RKO CAPITAL—(2,000) (35c-42c) 7 days. 2nd week. Gross: $5,000. (Average, $6,500)
"Persons in Hiding" (Para.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $2,700. (Average, $6,500)
"Gunga Din" (RKO)
RKO GRAND—(1,200) (25c-40c) 7 days. 3rd week. Gross: $2,500. (Average, $2,750)
"Boy Slaves" (RKO)
"Home on the Prairie" (Republic)
RKO FAMILY—(1,000) (20c-30c) 4 days. Gross: $1,400. (Average, $1,450)
"Homicide Bureau" (Col.)
"Long Shot" (G. N.)
RKO FAMILY—(1,000) (20c-30c) 3 days. Gross: $1,000. (Average, $1,050)
"The Duke of West Point" (U. A.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $5,400. (Average, $6,500)

Film Council Studies Cooperative Booking

LONDON, March 15.—Films Council has considered the memoranda on cooperative booking as submitted by the Cinematograph Exhibitors' Association and the Kinematograph Renters' Society, and recorded an equal number of votes for and against the proposal.

It has been decided to appoint a subcommittee for further consideration.

Jackson Quit W.B. Due to Policy Split

Resignation of Jerome Jackson as head of production for Warners in England was due to differences over policy. Warners have maintained a schedule of small-budget films at the Teddington studio, while Jackson favored the production of a number of double or triple quota films.

Sam Sax, head of Vitaphone shorts production at the Brooklyn studio, will be empowered to set policy when he takes over at Teddington, subject to approval by company executives. Greater supervision from the United States is indicated.

Sax plans to sail April 21 to assume his post as British production head. Jackson leaves Saturday on the *Ile de France*. His home is in London.

While shorts production will be shifted to Burbank shortly, with Jack L. Warner supervising, the Brooklyn studio will continue operations to June 1 to complete cutting, editing and scoring of shorts in production. Warners' Ace laboratory, operated in conjunction, will continue to function.

Erpi Reduction in England Forecast

LONDON, March 15.—Following a conference today between representatives of the Cinematograph Exhibitors' Association and Western Electric, it was indicated unofficially but authoritatively that the company would make concessions in the service charge rates, as demanded by the exhibitor organization.

It is believed probable that reductions will be agreed upon in the present service rates varying from five shillings to two shillings, six pence weekly. The basis for an agreement was arranged during the recent discussion here with T. Kennedy Stevenson, president of Erpi, before he returned to the United States.

Providence Theatre Union Negotiating

PROVIDENCE, March 15.—Managers and front-house employes, organized as Theatre Employes Local B-129, affiliate of the I.A.T.S.E., are conferring on union demands covering wages, hours and recognition. The local district embraces all Providence, Pawtucket, East Providence and Cranston.

H. M. Addison, Loew's New England district manager, is in town to participate in the conferences.

ITO Ball Saturday

About 700 are expected to attend the sixth annual "Movie Ball" of the I.T.O.A. Saturday night at the Astor. A large roster of entertainers is being lined up for the program. The committee includes David Weinstock, chairman; Charles Goldreyer, Harry Brandt and Lionel Toll.

Carl Scheidel Dies

CINCINNATI, March 15. — Carl E. Scheidel, 50, manager of the Royal, downtown subsequent run unit of Associated Theatres, died at his home here after an illness of several months. He had been associated with the theatre industry for 30 years.

Come to the

A.M.P.A. LUNCHEON

for the awarding of

180 PRIZES OF ART WORK

by the

MOTION PICTURE ART FUND

for

GERMAN REFUGEES

(NON-SECTARIAN)

You bought tickets . . . contributed your money, time and effort to this worthy cause . . . Now join with fellow associates of the MOTION PICTURE INDUSTRY in a gala conclusion to this successful drive for REFUGEE FUNDS . . . See who the winners are . . . Listen to Baron Carl Von Ripper, Austrian nobleman who spent three and a half months as a prisoner in a Nazi concentration camp, and who will draw the first ticket . . . A distinguished audience will be present . . .

A.M.P.A. Today — Thursday March 16

HOTEL ASTOR • 12:45 p.m.

Gordon, Goetz Deal With RKO Closed

Deal by which Max Gordon and Harry M. Goetz will produce a minimum of two pictures annually for the next two years for RKO release was closed yesterday.

Under the agreement, the four basic productions will be financed jointly by RKO and Max Gordon Plays and Pictures Corp. While the latter may elect to produce additional pictures in excess of these four, and RKO to distribute them, financing of the additional pictures would be entirely by the Goetz-Gordon company. Production services of the two are included in the agreement.

While "Abe Lincoln in Illinois" and "The American Way" are expected to be the first two productions under the deal, final arrangements for them have not been made yet. All pictures are to be made at the RKO studios, with the first to start this summer. Samuel Spring, attorney for Goetz and Gordon, represented them in the deal and George J. Schaefer, RKO president, acted for the company.

Exhibitors Termed M-G-M Partners

(*Continued from page* 1)

factual demonstration of our policy to be 'the friendly company,'" he added. "We invited the three leaders to be our guests at the convention because we want to take the exhibitors into our confidence. We want to demonstrate that we are not afraid to discuss our sales policy in their presence and that our policy is fair.

"We want the exhibitors to feel that they have a stake in the conduct of our company and that they can contribute to formulating our policies."

Trade Pact Is Factor

The trade practice negotiations in which the three organization heads and Rodgers have been active are also a factor in having the exhibitor leaders address the convention.

Al Lichtman, vice-president, Fred Quimby, head of shorts, and Rodgers are due in Chicago tomorrow from the coast. The home office contingent will leave New York Saturday at 5 P.M., arriving in the convention city Sunday, when the convention opens.

William R. Ferguson, exploitation manager, and J. S. MacLeod, manager of exchange maintenance, left yesterday to prepare for the four-day meeting. Ferguson will be host today to Chicago newspapermen and others at a lunch at the Palmer House, where the convention will be held.

Mrs. Roosevelt to See Preview of 'Heights'

HOLLYWOOD, March 15. — Mrs. Franklin Delano Roosevelt will attend the preview of "Wuthering Heigths" at Warners' Hollywood theatre March 24 as the guest of Samuel Goldwyn, producer of the picture, according to James Roosevelt, vice president of Samuel Goldwyn, Inc. Mrs. Roosevelt will give a lecture in Los Angeles on March 22 under the auspices of the Modern Forum, visiting San Diego on the 23rd and returning to Hollywood for the preview.

Prutzman Is Elected 'U' Board Member

(*Continued from page* 1)

Chadbourne, Hunt, Jaeckel & Brown, of which he was a partner, to devote all his time to his new Universal post.

All other Universal directors were reelected at today's meeting. They are Nate J. Blumberg, president; Paul G. Brown, Daniel C. Collins, J. Cheever Cowdin, Preston Davie, William Freiday, John Dabney Penick, Samuel I. Posen, Ottavio Prochet, Budd Rogers, Daniel M. Schaeffer and W. H. Taylor, Jr.

An increase in the volume of business of the company was predicted by Cowdin, board chairman, in his report to the stockholders on the basis of reports for the first four months of the current fiscal year. He pointed out that as a result of the administrative changes in the company during the past year Universal had operated at a profit for the past six months and the outlook is encouraging. An increased number of major pictures are scheduled for production and release during the balance of the year and some of the most important of these are already completed, Cowdin said.

Paid Miss Durbin $129,675

WASHINGTON, March 15.—Deanna Durbin, who received $129,675 during 1938, was the highest paid star of Universal last year, according to the annual report filed today with the S.E.C. John M. Stahl, director, received $208,000.

Atlas Corp. reported that Floyd B. Odlum, president, received $100,799; L. Boyd Hatch, vice-president, $56,555; Alex Gumberg, executive, $37,909.

Warners Planning 35-20 Percentages

(*Continued from page* 1)

expected to go into effect with new season contracts. Other provisions which will be adopted in the program will be effective retroactively.

No deductions will be allowed for films shown on double bills, it is understood.

Warners' field organization members who have been attending the annual sales convention here will depart tonight for their offices. Divisional meetings conducted by Roy Haines and Ben Kalmenson and district managers' sessions will continue today.

Einfeld to Coast

S. Charles Einfeld, director of advertising and publicity, leaves tomorrow for the coast. He plans to return here April 4, after attending the "Dodge City" premiere at Dodge City, Kan., April 1. Scheduled to attend also are Gradwell L. Sears, Carl Leserman and Mort Blumenstock, from New York, and Jack L. Warner, Hal Wallis and Bob Taplinger from the coast.

Warner is remaining here for a few days before leaving for the studio.

Planes for 'Dodge City'

HOLLYWOOD, March 15.—Forty-five privately owned planes will escort the Hollywood contingent on the last lap of its train trip to Dodge City, Kans., for the world premiere of Warners' "Dodge City" at that place April 1.

Hats Off!

Mexico City, March 15.—New custom here of keeping hats on everywhere, except in church, has prompted a municipal law requiring the removal of hats at theatres and other places of public diversion. The statute was enacted after complaints of annoyance caused by patrons keeping their hats on at performances. Women's organizations are protesting the law, contending that it is woman's prerogative to keep her hat on no matter where she goes.

Baldwin Calls FCC A 'Back Door' Censor

(*Continued from page* 1)

proval. Such statements, he asserted, exert duress on broadcasters.

Investigation by the union, he declared, indicated a trend toward monopoly. He cited the refusal of nets to sell time for the discussion of controversial issues and contracts which restrict programs. Exclusive contracts, he added, suppress competition.

S. Howard Evans, secretary of the National Committee for Education by Radio, criticized the commission for neglecting the educational side of radio and concentrating on the technical aspects of broadcasting.

He declared that no provision has been made for educational stations.

Cinecolor Previews New $250,000 Plant

HOLLYWOOD, March 15.—Cinecolor, Inc., last night held a preview of its $250,000 plant in Burbank which gives the laboratory a capacity of 1,400,000 feet weekly.

A. L. McCormick, president, was host to the press and industry figures. The reception included a tour of the plant and a dinner. In talk at the dinner McCormick said that a deal for a feature is pending with a major studio.

The plant covers 45,000 square feet. One of the features of the process equipment is a vat 185 feet long through which 10 strands of film can pass, coming out ready for the projection machine.

McCormick disclosed plans for Cinecolor's entry into the 16 mm. field at new low prices. He said the corporation would concentrate on commercials.

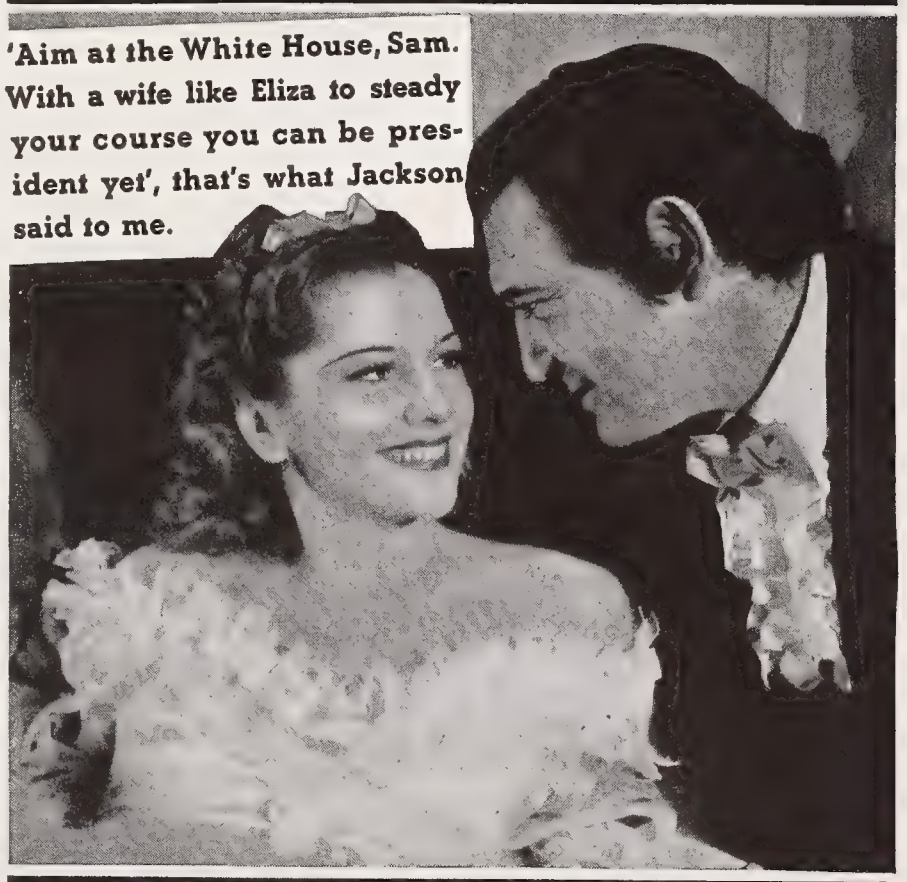
Olivier Given Party

Cocktail party was given for Laurence Olivier, who appears in "Wuthering Heights," at the Music Hall yesterday afternoon, by W. G. Van Schmus, managing director. Present were Helen Hayes, Charlie McCarthy, James Mulvey, Leon Leonidoff, Lynn Farnol, Miriam Howell and critics from all the newspapers.

Retitle 'Penthouse'

M-G-M has changed the title of "Penthouse" to "Society Lawyer" and will release the film March 31.

AMERICA – FIRST, LAST – ALWAYS!



★ MAN OF CONQUEST ★

RICHARD DIX • Gail Patrick • Joan Fontaine

Edward Ellis • Cast of thousands! • A Republic Picture

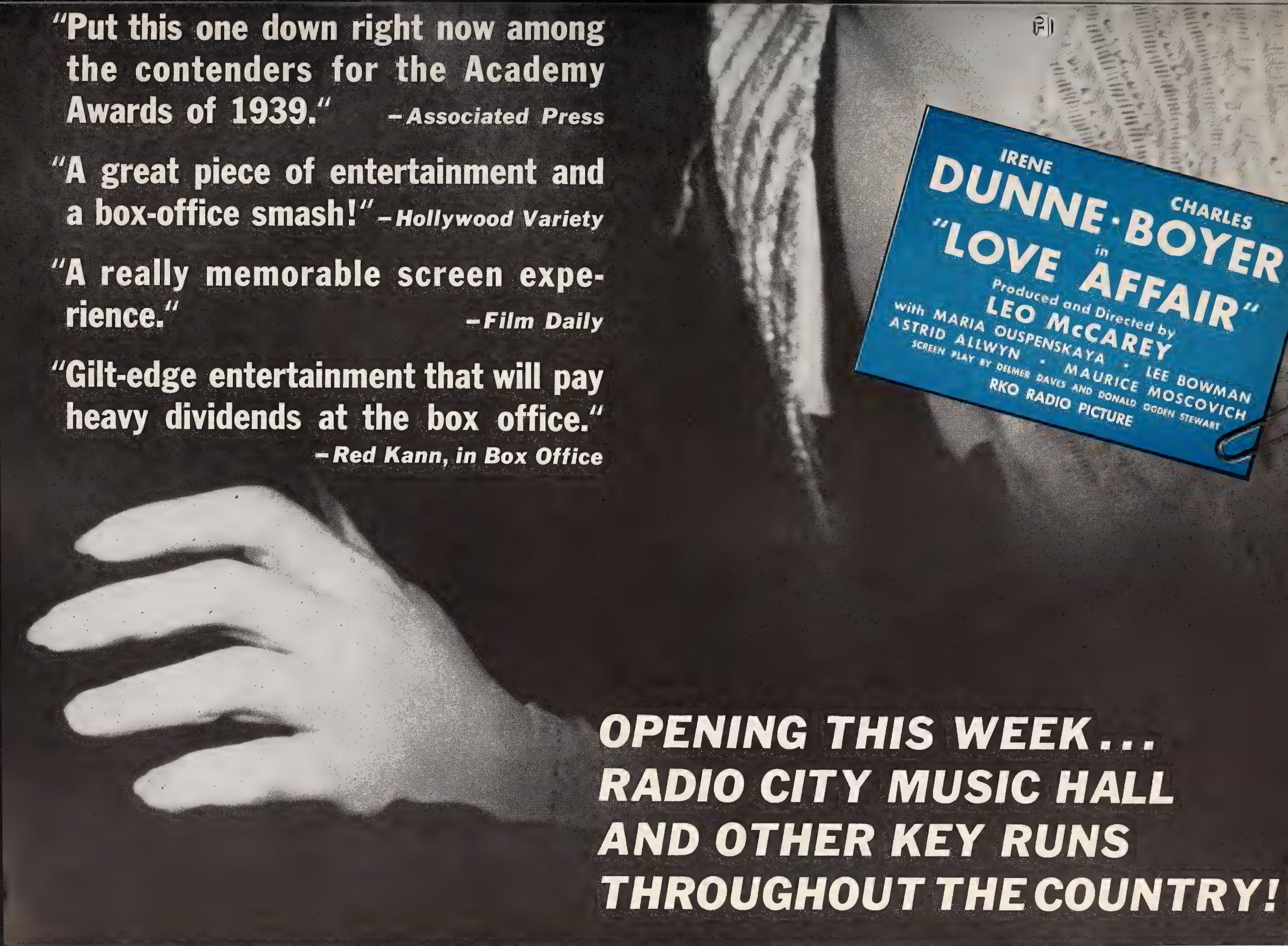


"Put this one down right now among the contenders for the Academy Awards of 1939." *–Associated Press*

"A great piece of entertainment and a box-office smash!" *–Hollywood Variety*

"A really memorable screen experience." *–Film Daily*

"Gilt-edge entertainment that will pay heavy dividends at the box office." *–Red Kann, in Box Office*



OPENING THIS WEEK...
RADIO CITY MUSIC HALL
AND OTHER KEY RUNS
THROUGHOUT THE COUNTRY!



WE THANK THE EXPERTS...

They set up an approved technique for investigation of rural radio listening habits.* We followed the experts in every detail of their technique, including their choice of typical rural counties. These counties were selected, of course, without reference to the rural coverage delivered by any one network. We were glad to use them—for sake of conservatism—because, as it happens, the *CBS* clear-channel stations were *farther* from these counties than those of other networks!

On the facing page are some of the things we did, the facts we found:

**The technique for studying rural radio America was developed by the Technical Committee of the Joint Committee on Radio Research for the 1938 rural study, jointly financed by CBS and NBC.*



WE used the *same* definition of rural America
used the *same* personal-interview technique
employed the *same* expert research investigators
went into the *same* counties
opened the *same* farm doors

as did the Joint Committee

THEY found that **87%** of all rural families interviewed listen regularly in the evening to CBS — and that **72%** of all rural families interviewed listen regularly in the daytime to CBS

They found a larger regular audience, day and night, listening to CBS than any other network!

CBS PROGRAMS PENETRATE RURAL AMERICA

80.9% of *all rural families* interviewed
listen to Major Bowes

71.8% of *all rural families* interviewed
listen to Eddie Cantor

57.8% of *all rural families* interviewed
listen to Kate Smith

The investigators found that each of the above programs has a bigger audience in the *upper* third income group than in either middle or lower thirds. Rich farmers listen more!

Columbia Broadcasting System

THE WORLD'S LARGEST RADIO NETWORK



This latest addition to the shelf of Columbia basic radio studies is available upon request at 485 Madison Avenue.

GB Is Preparing London Theatres For Telecasting

LONDON, March 15.—Gaumont British has started structural alterations at the Dominion, New Victoria, Tivoli, Chelsea, Gaumont and three other Central London houses preparatory to the installation of television equipment.

The Cinematograph Exhibitors Association, following television discussions, has agreed to the formation of a non-technical committee which will report to the General Council each month. Arthur Moss, chairman, voiced the concern of local exhibitors. Major Gale, C.E.A. treasurer, declared it is foolish to imagine exhibitors can stop television, and urged cooperation and study with a view to minimizing any damage to film theatres.

A technical report reviewed recent television developments and pointed to the showmanship employed in the recent fight telecast, which emphasized audience appeal.

The C.E.A. General Council at its session deprecated Bank Night and decided at the next meeting to propose a plan for its abolition.

Brockington Attacks License Fee Slashes

OTTAWA, March 15.—Inevitable result of reducing the annual radio license from the present $2.50 would be the curtailment of the present national service of the Canadian Broadcasting Corp., L. W. Brockington, CBS chairman, told the Parliamentary radio broadcasting committee.

Reduction of 50 cents, amounting to $600,000 a year, would mean the surrender of public domain to product interests, increasing the Americanization of Canadian radio and a decrease in programs of French Canadian culture. Brockington's statement follows the announcement of the other day by Paul Martin, M. P., that he would move for the abolition of the license fee entirely.

Committee of NAB To Study Affiliation

WASHINGTON, March 15.—Neville Miller, N.A.B. president, has appointed a committee to study the question of the affiliation of state broadcasters' associations with the N.A.B. and to make recommendations to the board of directors.

The committee includes: W. Walter Tison, WFLA, chairman; Ralph R. Brunton, KJBS; John Shepard, Yankee Network; Richard H. Mason, WPTF; Leonard Reinsch, WHIO; Martin Campbell, WFAA, and Dietrick Dirks, KTRI.

Name Westlund Head Of Cal. Broadcasters

SAN FRANCISCO, March 15.—Art Westlund, manager of KRE, Berkeley, is new president of Northern California Broadcasters' Association, succeeding manager S. H. Patterson of KSAN. Phil Lasky of KSFO replaces L. W. West of KGMB, Honolulu, as secretary.

Radio Personals

RICHARD J. COMPTON, president of the Compton agency, has left for a three-week vacation in Bermuda. . . . Radio executives who have accepted invitations to serve on the advisory council of the National Association of Better Business Bureaus include Lenox Lohr of NBC, Neville Miller, president of the N. A. B., and John Shepard, 3rd, president of the Yankee and Colonial networks.

✚

Anne Honneycut, former assistant program director at CBS, has joined the program department of WOR . . . Gloria Sileo, daughter of photographer Jimmy Sileo, will appear on "We, the People" March 28 to tell of her experiences during the civil war in Spain . . . Paul Monroe takes over Hy Brown's direction duties on the "Grand Central" series . . . Ed Wolfe, NBC director, is resigning to free lance . . . Felix Knight left last night via TWA for a vacation in Hollywood . . . Lew Danis of the Ivory soap program is looking to buy his own stock theatre this summer . . . Clem McCarthy will do a week's vaudeville at Loew's Capitol in Washington, starting tomorrow.

New Philip Morris Show Set on Mutual

New Philip Morris show on Mutual replacing "What's My Name" has been set. An audience participation program, it will be known as "Where Are They?" and the cast will include Bud Hulick, Charlie Cantor and Nydia Westman, and Johnny Green's orchestra. New program moves in March 24.

Renewed on Mutual for another 13 weeks is the cooperatively sponsored band program, "Show of the Week," which is broadcast Sundays from 6:30 to 7 P. M. Ben Rocke produces, and Redfield-Johnstone is the agency.

Contracts Signed for New WHN Shows

Several large contracts were placed at WHN yesterday for sponsorship of live and spot programs. Eastern Wine Co. and Barney's Clothes jointly have entered into a 52-week contract calling for 18 quarter hours a week plus 57 participating announcements weekly, starting today. Sponsorship will consist of portion of the "Early Bird" programs plus United News broadcasts. Austin & Spector placed the business. Additionally, Madison Finance Co. has contracted for 18 hours per week of sponsorship of the Zeke Manners program. Klinger Advertising Agency directs the account.

Yankee Post to Bartley

BOSTON, March 15.—John Shepard, 3rd, head of the Yankee Network here, has named Robert T. Bartley as his executive secretary. Bartley, former director of the telegraph division of the Federal Communications Commission, begins work March 27.

Mexican Station Defies Authority

Mexico City, March 15.—XEFO, operated by the Party of the Mexican Revolution, Mexico's strongest political organization, won't obey the law, the Ministry of Communications and Public Works told President Lazaro Cardenas. The station recently was fined $200 because it broadcast liquor advertisements. It has not paid.

The ministry asserts XEFO refused to render a monthly financial report, will not pay the salary of a ministry inspector, and continues to violate the law by broadcasting liquor advertising and other objectionable material.

FCC Calendar

WASHINGTON, March 15.—Federal Communications Commission has announced that hearings on broadcasting matters will be held, as follows:

March 16: Application of the Colonial Broadcasting Corp. for a 1,370-kilocycle station at Norfolk, Va., with 100 watts power night, 250 watts day.

March 22: Applications of Copper Country Broadcasting Co., for a 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day, and WHDF, Calumet, Mich., for extension of time from specified hours to unlimited.

April 17: Application of WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

May 5: Application of Thumb Broadcasting Co., for an 880-kilocycle, 1,000 watt day station at Brown City, Mich.

May 23: Applications of WCSC, Charleston, S. C., for increase of night power from 500 to 1,000 watts, and WREN, Lawrence, Kan., for authority to move studio to Kansas City, Mo. and transmitter to Kansas City, Kan.

The commission also ordered hearings to be held at dates to be set later on the following applications:

Oregon Broadcasting System, Inc., for a new 1,370-kilocycle station at Grants Pass, Ore., with 100 watts night, 250 watts day; WBRE, Wilkes-Barre, Pa., for increase of night power from 100 to 250 watts; KGLO, Mason City, Ia., for change of frequency from 1,210 to 1,270 kilocycles and increase of power from 100 watts night, 250 watts day, to 1,000 watts; WGBF, Evansville, Ind., for change of frequency from 630 to 1,250 kilocycles, extension of time from sharing to unlimited and increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day; KFRU, Columbia, Mo., for change of frequency from 630 to 1,370 kilocycles, decrease of power from 500 watts night, 1,000 watts day, to 100 watts night, 250 watts day, and extension of time from sharing to unlimited, and KXOX, St. Louis, for change of frequency from 1,250 to 630 kilocycles and increase of day power from 1,000 to 5,000 watts.

Banner LINES

ANENT the kidnapping of Charlie McCarthy by Frank Farrell of the *World-Telegram,* the stunt has backfired all along the line, with the *World-Telegram* none too happy about it, Bergen burned up, and several employes at the Waldorf-Astoria fired. Wrathful, too, is the insurance company which has a $2,500 policy on the little wooden fellow.

However, Farrell has persuaded the Waldorf-Astoria management to take back the discharged employes.

Cal Swanson of the Thompson agency, who was with Bergen and Ameche at the Stork Club when Farrell arrived with the dummy, says now that he noted a "sly Irish look" about Farrell, but other than that paid him no attention. Ed Curtin of NBC, who saw Farrell at the Glass Hat the evening of the snatch, also thought there was something peculiar about Farrell's bearing, but naturally he suspected nothing amiss.

As to us, a messenger delivered a telegram to our house at about 3 A.M. from a friend in the newspaper business. The telegram read "Charley McCarthy dummy stolen tonight. This is no kidding." We rubbed our eyes, grumbled something about friends who drink, and went back to bed.

▼

The pruning season is fast approaching. It is customary at this time of year for sponsors to determine their radio policy for the summer months. It is rumored that the popular "Second Husband," which stars Helen Menken, might be superseded by another dramatic vehicle —probably for budget reasons only.

▼

Even three-year-olds succumb to the insidious influences of radio. Leslie Joy, pride of our household, overheard the doctor prescribe neosilver for her cold, and petulantly she declared she didn't want any "hiho silver."

▼

Harry Kerr, publicity director of the J. Walter Thompson agency, capable and well liked, long ago earned the break he has just received. He's on his way to Hollywood, where he will supervise the press work of his agency's west coast programs, and will handle as well the publicity for the motion picture accounts serviced by Thompson.

▼

Roxy Theatre shows henceforth will be plugged via paid commercials over WHN. What makes this an item for the column, of course, is the fact that Loew's, which owns the State on Broadway, also owns WHN.

▼

Dorothy Parker's admiring cohorts waited in vain for pearls of wisdom to drop from her lips in her appearance Tuesday on "Information Please."

▼

Not in ages have we read anything as finely written on radio promotion as Ruthrauff & Ryan's "Human—Handle With Care." The volume should be a "must" in the reading material of anyone planning a radio program.

—JACK BANNER

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 52 NEW YORK, FRIDAY, MARCH 17, 1939 TEN CENTS

250 to Attend M-G-M Sales Meet Sunday

Season Campaign Centers About Anniversary

M-G-M 1939-'40 sales campaign will revolve about the company's 15th anniversary, signalizing the formation in 1924 of Metro-Goldwyn-Mayer.

Details will be given to about 250 delegates at the four-day convention starting Sunday at the Palmer House in Chicago.

Edward M. Saunders, western division manager, left last night for Chicago, and T. J. Connors, eastern division head, A. F. Cummings, exchange operations manager, and E. W. Aaron, assistant to William F. Rodgers, general sales manager, will leave tonight.

Rodgers in Chicago Today

Rodgers arrives in Chicago today from the coast with Al Lichtman, vice-president, and Fred Quimby, in charge of shorts. The executive sales heads will go over new season plans in advance of the general sessions.

In addition to home office delegates, leaving from New York tomorrow will be representatives from New York, New Jersey, Philadelphia, Washington and New Haven. Stops

(*Continued on page 3*)

Dakota Anti-Ascap Measure Is Signed

FARGO, March 16.—North Dakota's anti-Ascap bill was signed by Governor John Moses today.

It is believed that Ascap will sue to enjoin the state from enforcing the law on the grounds that it is unconstitutional. The Governor, before signing the bill, asserted that no state money would be spent in its defense.

The measure, which would become effective July 1, levies a three per cent tax against Ascap's revenue in the state and requires the organization to file a list of its copyrights in Bismarck.

F. P. Canadian Profit Is $974,788 for 1938

TORONTO, March 16.—Famous Players Canadian Corp. showed a net profit of $974,788 in 1938 equal to $2.38 per common share. This compares with $865,731 in 1937 equal to $2.12 per share. Dividends paid in 1938 totaled $326,819 compared with $245,114 in 1937.

S. W. G. to Present Terms Next Week

Hollywood, March 16. — A bargaining committee of the Screen Writers Guild will submit terms of a proposed contract with major studios to the membership at a special meeting March 22 and ask instruction by vote whether to accept in principle. The vote will determine whether the N.L.R.B. hearing of the case will be resumed next Monday as tentatively scheduled when recessed to permit the S.W.G. and producer committees to negotiate.

Charles Koerner To Replace Gross On Coast for RKO

Although reluctant to have him leave Boston, RKO theatre chieftains finally have decided after prolonged deliberations to transfer Charles Koerner, RKO's Boston division manager, to take charge of the circuit's theatres on the West Coast. Koerner will succeed Jack Gross who leaves RKO to join Universal where he will serve under Cliff Work, U's studio business chieftain. Work also came from RKO. The Koerner shift will take place the first week in April.

Insofar as known, the RKO people have not yet decided upon a successor to Koerner in New England.

On the Coast, Koerner will have charge of RKO's houses in Los Angeles, Hollywood, Denver and

(*Continued on page 4*)

Commercial Attache Confirms Losing of Czech Film Market

WASHINGTON, March 16.—Situation resulting from Germany's *coup d'etat* in Czecho-Slovakia is so confused as to make impossible any immediate analysis, it was declared today by Edward Lawson, commercial attache at Prague.

In an interview with a representative of MOTION PICTURE DAILY, Lawson, who arrived in Washington yesterday, explained that when he left Prague there was no hint of the dismemberment of Czecho-Slovakia which was accomplished this week.

Approximately two-thirds of the 1,300 Czech film theatres are in that area which has already been absorbed by Germany, he said, and it is likely that in assuming control of that territory, Germany will extend to it quota and other regulations, as it did in the case of Austria and the Sudetenland.

Will Wipe Out Industry

In informed quarters it was said that as a result of Germany's seizure, the motion picture industry in Czecho-Slovakia will be wiped out and all benefits of the agreement which supplemented the reciprocal trade treaty, will be lost.

It was pointed out that all important industrial centers are located in the area taken over by Germany and that the areas so far free, Slovakia and Ruthenia, are largely agricultural, with few towns, and of comparatively little importance as markets for motion pictures.

Korda Forms Own Company In England

It Will Replace London Films as U. A. Unit

LONDON, March 16. — Alexander Korda Prod., Ltd., has been formed here as the new producing company of the United Artists producer.

The new company will produce both here and in Hollywood. Four productions will be made at Denham this year, all for United Artists release, and two or more will be made in Hollywood. Korda will cease production activity for London Films, with completion of organization of his new company and with the delivery of "Four Feathers," his final London Films production.

Will Be U. A. Unit

The new Korda company also will replace London Films as a United Artists associate.

A majority of the financing for the new company has been set. Prudential Assurance will be identified with Korda's new company as it was with the old.

Conference on Coast

HOLLYWOOD, March 16.—Continuation of Selznick-International's releasing deal with United Artists will be discussed during the current visit of Maurice Silverstone, United Artists' chief executive. John Hay Whitney, Selznick International chairman, will leave New York tomorrow and, with David O. Selznick, is scheduled to

(*Continued on page 3*)

Mexico's Production Is Found in Critical State

By JAMES LOCKHART

MEXICO CITY, March 15.—Competition from Hollywood in the form of high grade pictures in Spanish and the attraction of many of the best Mexican players, too many mediocre productions and the tax situation, have placed the Mexican production industry in a position that is described in some quarters as from bad to critical.

The producers do not blame the players for flocking to Hollywood, for there they obtain much more money than is possible for them, at present, in Mexico. Mediocre pictures are attributed to lack of adequate financing. It is suggested that the Federal Government subsidize the industry in some form, as is done in some other countries, for a better picture industry would mean more revenue for the administration.

Taxes are obviously burdening the industry. It is contended that if the Government, in these times of acute economic depression, cannot subsidize the industry it could at least make things easier for it by lifting some of the imposts. President Lazaro Cardenas has been asked to use his influence to aid the industry. The President has turned the pleas over to a special Government committee for examination and report.

U. A. to Have 9,000 Accounts April 17

United Artists will have 9,000 theatre accounts throughout the world by April 17, the 20th anniversary of its founding it was estimated yesterday by company officials.

The number will be the greatest in the company's history and was approximated only once—during the company's George Schaefer sales drive last year. It will have available on its anniversary such product as "Wuthering Heights," "Prison Without Bars," "Made for Each Other," "Stagecoach," "King of the Turf" and "Zenobia."

NY Allied to Meet Here May 24 to 26

Allied of New York will hold its next annual convention at the Hotel Astor here on May 24 to 26, it was decided by the directors yesterday.

Allied States' national convention is scheduled for Minneapolis about the middle of June.

Col. H. A. Cole, national president, conferred with the New York officers and directors here yesterday. The meeting was held in the office of Max A. Cohen, president, who is head of the Cinema Circuit. Cole reported on national activities and Cohen gave a report on state progress. E. Thornton Kelly, executive secretary, told of progress upstate. Harry G. Kosch, general counsel, also spoke.

Others attending the meeting were Charles Rosenzweig, Irving Landau and Charles Steiner of New York; Max Cohen, Abe Levy and Louis Goidel of Brooklyn; Mitchell Conery, Ravena; Dave Stone, Albany; John Gardner, Schenectady; Charles Rosen, Troy; Thomas Di Lorenzo, New Paltz; Al Sherman, Pearl River; Ray Pashley, Interlaken.

Rodner to Coast on Rogers' Fund Drive

Harold Rodner of Warners, administrator of the Will Rogers Memorial Hospital, is en route to Hollywood to discuss with the west coast committee on matters concerning that institution. While there, he will also study the preparation of the forthcoming all-star short subject to be produced in conjunction with the Will Rogers National Theatre Week, which begins April 20.

Support of the National Theatre Week was urged on members of the M. P. T. O. A. by Ed Kuykendall, president. In an organization bulletin he stressed the necessity by cooperation of theatres throughout the country.

"M. P. T. O. A. strongly endorses the campaign and urges that every theatre participate this year on one of the other of the two plans offered by the committee," he said.

Larger theatres are asked to screen the all-star short and take up a voluntary collection during its showing. Smaller houses may contribute $10 to participate.

ITOA Ball Tickets Sold Out in Advance

Tickets for the I.T.O.A. annual "movie ball" tomorrow night at the Astor were sold out yesterday, three days in advance. An attendance of about 800 is expected. Distinct from previous affairs, which started late in the evening, dinner will be served early and doors will open at 8 P.M.

Mae West and Bill Robinson are on the program. Others will be Sophie Tucker, Ole Olsen, Kitty Carlisle, Sheila Barrett and Edgar Bergen with "Charlie McCarthy."

Standard Sues Du-Art

Standard Pictures Productions, Inc., has filed a $50,000 damage suit in the U. S. District Court against Du-Art Film Laboratories, Inc., for alleged "wrongful detention" of the negative, work print and accessories of its film, "The Headleys at Home."

Purely Personal

MONROE GREENTHAL, HARRY GOLD, HARRY BUCKLEY, PAUL LAZARUS, SR., MAX GORDON, HARRY GOETZ, SAM SPRING, HARRY KOSINER, OSCAR DOOB, IRVING HOFFMAN, HERMAN BERNIE, BUDD ROGERS, JOE MOSKOWITZ and HAL HORNE at the Tavern for lunch yesterday.

•

FREDRIC MARCH was presented with an antique Chinese scroll last night as a token of appreciation for his work in "The 400,000,000," Chinese documentary film which he narrated.

•

JOHN W. HICKS, Paramount foreign manager, who was to have left England on the *Queen Mary* tomorrow en route to New York, was called to Paris and has postponed his return for a week or two.

•

JACK COHN, Columbia vice-president, is vacationing in Florida. NATE SPINGOLD returned from there a few days ago and ABE SCHNEIDER is expected back Sunday or Monday.

•

HARRY HUNTER, Paramount's Australian manager, is scheduled to arrive Monday in Los Angeles. He will spend some time at the studio and come on to New York.

•

COL. ROBERT GERARD, French Foreign Legion officer advising on Paramount's "Beau Geste," arrived in Chicago yesterday to star on the NBC show, "Inside Story."

•

ARTHUR KELLY, United Artists foreign manager, sails from England tomorrow on the *Queen Mary*, returning to New York after several months abroad.

•

VAUGHN GLASER will leave Sunday for the Paramount studio to play in the film version of "What a Life," in which he appeared on the Broadway stage.

•

T. K. STEVENSON, president, and T. BROOKE PRICE, general counsel of Erpi, leave today for a brief business trip to Hollywood.

EDDIE GOLDEN celebrates his birthday today.

•

MISCHA AUER, who came to New York from Hollywood for a personal appearance engagement at the Paramount, was a visitor at the Universal home office yesterday.

•

G. L. CARRINGTON, vice-president and general manager of Altec, has returned to New York from a trip to Boston.

•

JOHN MANHEIMER, executive secretary of the I.T.O.A., is due Sunday from several weeks' vacation in Florida.

•

RUSSELL HAYDEN of the "Hopalong Cassidy" series, has returned to the coast after a personal appearance tour in the west.

•

LOIS JANUARY, film and stage player, has been signed for a role in LEW BROWN'S "Yokel Boy Makes Good."

•

EDWARD C. RAFTERY returned to New York yesterday from a business trip to Zanesville, O.

•

W. G. VORPE, Sunday editor of the *Cleveland Plain Dealer*, has been in town.

•

HARRY KARASKI, Loew's Bronx district manager, is back on the job after an illness.

•

EDDIE DOWDEN, Loew's publicity man in Brooklyn, is laid up with foot trouble.

•

TONY GALENTO, heavyweight contender, will make a personal appearance at Loew's State the week starting March 30. JOE JACOBS, his manager, will also appear.

•

WILLIAM ROWLAND, producer of Spanish language films for RKO release, is due from Mexico City early next week with the print of his second film, "Perfida" ("Unfaithful").

Dreifuss Shooting Here

Arthur Dreifuss, producer, who came east to produce and direct a series of 17 one-reel musical subjects for Columbia, will shoot the entire series at Eastern Service Studios. The first subject, featuring Vince Barnett and Nick Lucas, is scheduled to go before the cameras in a few days.

Settle Burgess Suit

Stipulations settling at undisclosed terms and discontinuing a suit for patent infringement brought by C. F. Burgess Laboratories, Inc., and Burgess Battery Co. against Jacobson & Co., Inc., and Knickerbocker Broadcasting Co., Inc., has been filed in the U. S. District Court.

The Newsreel Parade

German refugees in China, fall of Czechoslovakia and the Yankee Clipper *flying over New York are the major news events covered in the new issues of the newsreels. The reels and their contents follow:*

MOVIETONE NEWS, No. 54—German refugees in China. Twin colts born in California. Lighthouses guard ships. Construct circus in Florida. *Yankee Clipper* flight. National pony show in England. Italian princess views ski games. Lew Lehr. Fishing out west. Table tennis. Boxing.

NEWS OF THE DAY, No. 252—Czech republic falls. Arabian colts born in California. Garner and Winchell fingerprinted. Man skis with wings. Clipper over New York. Golden Gloves.

PARAMOUNT NEWS, No. 65—Circus performers practice. LaGuardia at San Francisco Fair. Five-alarm fire in New York. German refugees arrive in Shanghai. Nominees for Kentucky Derby. Czech crisis. Cartoon mimics on honeymoon.

RKO PATHE NEWS, No. 69.—Preview of *Yankee Clipper*. G-Man Hoover fingerprints Garner and Winchell. Test fireproof suit. Big Ten swimming meet. Spring fashions. Radio-controlled weather forecaster. Stock car championships.

UNIVERSAL NEWSREEL, No. 754—*Yankee Clipper* over New York. Hitler takes Czechoslovakia. Air school in France. Refugees in China. Justice Butler celebrates birthday. Mayor LaGuardia at coast exposition. New York casino fire. Tea testers. Static machine demonstrated. Circus in Florida. Indian fakir in Miami. Golden Gloves. Bathing beauties.

Einfeld Starts West To Open 'Dodge City'

S. Charles Einfeld, Warners' director of advertising and publicity, left last night for Chicago and the coast and will stop en route at Dodge City, Kan., where he will direct the premiere of "Dodge City" on April 1.

He will return to Kansas from Burbank on the special 15-car train carrying a large party of players and newspaper writers to the opening. Einfeld was accompanied by Mitchell Rawson of his staff and others.

Among the events in connection with the premiere at Dodge City will be an old time Wild West show and roundup, with the studio sending Indians, trick riders and others for the celebration. Leon G. Torrou, former G-man, who is adviser on "Confessions of a Nazi Spy," will give a demonstration of rifle and machine gun shooting.

Delegates to the company's sales convention here this week left last night for their offices. Branch managers will hold meetings with their staffs.

Film to Feature Fair Exhibit of Macfadden

"I'll Tell the World," 40-minute film will highlight the Macfadden Publications exhibit at the World's Fair. It will be shown in a small, air-conditioned theatre, which is nearing completion. The film is designed "to tell the world of the importance of advertising to America and give the 'lie' to the 'guinea pig people.'"

Herb Crooker, former publicity manager for Warners, wrote the scenario and supervised the productions. He will also manage the exhibit.

Irene Dunne Entertained

Irene Dunne, co-starring with Charles Boyer in "Love Affair" was guest at a party given by W. G. Van Schmus, managing director of Radio City Music Hall, yesterday. Among those present were Ned Depinet, Pandro S. Berman, George Schaefer, Fred Meyer, John O'Connor, Merlyn Aylesworth, William Mallard, W. J. Merrow, S. Barret McCormick, Gordon Youngman, A. H. McCausland, Jules Levy and Martin Quigley.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Trade Pact Group Meets with Myers

Six attorneys for the major distributors discussed the proposed trade practice program with Abram F. Myers, general counsel of Allied, at an all-day meeting yesterday at the University Club.

Myers will remain in the city today for further discussions. Arrangements for the conference were handled by Austin C. Keough, Paramount attorney. Robert Perkins, Warner counsel and chairman of the lawyers' drafting committee, and representatives of other companies were present.

Phila. Unit Accuses W.B.

PHILADELPHIA, March 16.—Allied today sent a letter to the Warner exchange protesting because it is the only exchange not allowing deductions on percentage pictures in independent houses where premiums are used. It is alleged that Warners offer such concessions to other houses and also give deductions to vaudeville houses. Allied stated that a copy of the protest would be forwarded to the Department of Justice as evidence of discrimination against independents.

Korda Forms Own Company in Britain

(*Continued from page* 1)

confer at length with Silverstone during the next few days.

Whether Silverstone will discuss with Samuel Goldwyn the latter's suit with U. A. is not known. Charles Schwartz, of counsel to United Artists, who accompanied Silverstone here, presumably will be available for such discussions should the occasion arise.

Silverstone and Schwartz will confer with several producers who may be added to the United Artists fold in the near future. Ernst Lubitsch is one of these. The two company officials plan to return to New York in about a week.

David O. Selznick today named "Success" to be the second of three pictures for direction by Alfred Hitchcock under the new long term contract which the British producer will enter following his present holiday stay in Florida. "Rebecca" will be Hitchcock's first Selznick assignment with "Titanic" scheduled as the third. Leon Schlesinger has sidetracked other studio activity for concentration on the production of "Old Glory" as a patriotic color cartoon for Decoration Day of July 4th release in line with the declared policy of emphasizing patriotism via the cartoon medium.

The Goldwyn staff is rushing preparations on "The Real Glory" which will star Gary Cooper and Andrea Leeds and the untitled Jascha Heifetz picture for which Gene Reynolds was borrowed from M-G-M. Others in active preparation are "Seventh Cavalry," to star Cooper; "Stranger at Home," "The Story of Hans Christain Andersen's Life," "Raffles," to star David Niven; "Col. Rown of Scotland Yard," and "Black Gold."

Altec, Randforce in Deal

Randforce Amusement Corp. has closed a deal with Altec Service Corp. whereby 41 theatres of the circuit will be serviced by Altec.

Allied Won't Back N. Y. 'Divorce' Bill

There will be no theatre divorcement bill sponsored by New York Allied in the state legislature at the present session.

The organization had depended on a Supreme Court decision on the North Dakota law to guide its policy, but with the case becoming "moot" as a result of the law's repeal, the possibility of an early legal interpretation has gone glimmering. None of the divorcement bills introduced at the present legislative sessions has been passed.

250 Will Attend Metro Sales Meet

(*Continued from page* 1)

will be made at Albany, where Boston and Albany delegates will join the group, and at Buffalo to pick up men from that city.

From the Home Office

The home office delegation leaving tomorrow is tentatively scheduled to include: Nicholas M. Schenck, Arthur Loew, Joseph Vogel, Howard Dietz, J. A. Gove, Silas F. Seadler, William D. Kelly, Charles F. Deesen, I. Leonard Hirsch, Harold Postman, Joel Bezahler, Irving Helfont, M. L. Simons, Arthur Lacks, Herb Morgan and Charles J. Sonin and Samuel Eckman, British manager. William R. Ferguson and J. S. McLeod left Wednesday.

District managers at the convention will be: John J. Maloney, Pittsburgh; John E. Flynn, Detroit; Harris P. Wolfberg, Kansas City; Charles E. Kessnich, Atlanta; George A. Hickey, Los Angeles; E. K. O'Shea, New York, and M. V. Wolf, Boston.

Other Delegates

Branch representatives leaving from Grand Central tomorrow include the following:

New York: John J. Bowen, manager; Howard M. Levy, Harry W. Miller.

New Jersey: David A. Levy, manager; Benjamin Abner, Louis Allerhand.

Philadelphia: Robert Lynch, manager; Salem E. Applegate, Frank M. Jelenko, Nicholas P. Lloyd, Joseph F. Morrow, Clarence C. Pippin.

Washington: Rudolph Berger, manager; Phil Bobys, Harry Cohen, Jacob M. Goldberg, Frank J. Scully.

New Haven: Thomas J. Donaldson, manager; Milton Hyams, Morton L. Katz.

Scheduled to board the train at Albany are:

Boston: John P. Byrne, manager; Benjamin Bebchick, Raymond J. Curran, Maurice Goldstein, J. Edward Renick, Harry Rosenblatt, Harry O. Worden.

Albany: Ralph Pielow, manager; Arthur Horn, Herman L. Ripps, Eugene Vogel.

Buffalo: Ralph W. Maw, Abraham T. Harris, Alex W. Weissman, Emanuel M. Woronov.

Branch managers and salesmen from other exchanges include:

Charlotte: Ben Rosenwald, manager; Thomas E. Bailey, Raymond W. Ervin.

Cincinnati: Edwin M. Booth, manager; John S. Allen, William A. Carroll, J. Milton Jacobs, William F. LaSance, Harry J. Sheeran.

Cleveland: Frank D. Drew, manager; Edwin H. Brauer, Jack Sogg, Bryan D. Stoner.

Pittsburgh: Burtus Bishop, Jr., manager; Milton Brauman, Harry H. Fendrick, Saal Gottlieb, Jack B. Mundstuk.

Atlanta: Roy M. Avey, manager; Ben Butler, Louis C. Ingram, Joseph Markowitz, Charles F. McGuire.

Dallas: Leroy Bickel, manager; Clyde W. Houston, Charles D. Lyne, Roland G. Taylor, Louis J. Weber.

Memphis: J. Frank Willingham, manager; Maurice L. Basse, Jack C. ReVille.

New Orleans: Jimmie Briant, manager; "Cy" Bridges, Gerard Hirsch.

Oklahoma City: William B. Zoellner, manager; James N. Byrd, H. Russell Gans.

Chicago: Walter E. Banford, manager; Frank P. Ishmael, John L. Kelley, Joseph J. MacMahon, Theodore L. Mendelssohn, A. Jack Shumow.

Detroit: Frank J. Downey, manager; Howard J. Beck, Floyd W. Chrysler, Timothy J. Cleary, John F. Morgan, Harold Sandelman.

Indianapolis: Wade W. Willman, manager; Jerome Adams, Samuel J. Gardner, Herbert A. Wagner.

Milwaukee: Sam Shurman, manager; Edward J. Lipson, David E. Ross, Max Schwartz.

Minneapolis: William H. Workman, manager; William P. Cameron, Allen S. Clatworthy, Louis H. Coen, Charles R. Stoflet, George W. Turner.

Denver: Henry A. Friedel, manager; Robert A. Cain, Julian H. King.

Des Moines: Dexter C. Kennedy, manager; George A. Baumeister, Gerald A. McGlynn, Ellis N. Shafton.

Kansas City: Frank C. Hensler, manager; Harold Cohen, Daniel Joseph Foley, Edward W. Green, Joseph W. Maguire, Truly B. Wildman.

Omaha: Harry A. Shumow, manager; Charles Lieb, Carl P. Nedley, Fred C. Thortsen.

St. Louis: John X. Quinn, manager; Herbert Bennin, Robert D. McRaven, George F. Reilly.

Los Angeles: Clayton T. Lynch, manager; William A. Calihan, Sam S. Davis, Reuben L. Harris.

Portland: Louis Amacher, manager; Joseph T. Warren.

Salt Lake City: Maurice D. Saffle, manager; Clarence W. Boulet, Carl E. Lind, David T. McElhinney.

San Francisco: Ira Furman, manager; Leland S. Hulling, Edward C. Mix, Sidney Schuster.

Seattle: Langdon C. Wingham, manager; Mac Rubenfeld, B. Wallace Rucker.

Canadian Representatives

Canadian representatives at Chicago follow:

Walter Hayner, general sales manager, Toronto; branch managers Gordon Lightstone, Toronto; Hillis Coss, Montreal; Abe Smith, St. John; Ted J. Gould, Winnipeg; Joseph Myers, Calgary; Charles Ramage, Vancouver.

Exploiteers at the convention will include:

Morris Abrams, Minneapolis; James N. Ashcraft, Philadelphia; N. Edward Beck, Salt Lake City; William G. Bishop, Chicago; A. L. Burks, Charlotte; Elmer B. Coleman, Dallas; Charles C. Deardourff, Cleveland; Carlton Duffus, Washington; Todd Ferguson, Memphis; Elliott S. Foreman, New York; Jack Gilmore, Buffalo; Bert McKenzie, Boston; Claude E. Morris, Kansas City; Louis W. Orlove, Milwaukee; William L. Parker, Seattle; Warren A. Slee, Detroit; James Schiller, Los Angeles; James F. Thames, Atlanta; John G. Walsh, Albany; Irving A. Waterstreet, St. Louis; John E. Watson, Cincinnati; Ernest Van Pelt, San Francisco; Harold H. Marshall, Indianapolis; Charles Barron, Pittsburgh.

See Passage of Bill On Child Admissions

ALBANY, March 16.—Amendment of the bill for admission of children paves the way for quick enactment through both houses in a form acceptable to exhibitor groups. For the past few years, exhibitors have been bewildered in admitting children under 16 to theatres without the presence of parents or guardians.

The bill, authored by Assemblyman William J. Butler of Buffalo at the behest of the Children's Aid Society, removes the conflict which now exists in the city and general municipal statutes. Under one, such admission when matrons are present is permissible; under the other, it is a misdemeanor. Butler has amended his bill in revision, which keeps it on the calendar for early passage.

Refugee Art Contest At Ampa Luncheon

Ampa's luncheon meeting yesterday at the Astor was devoted to the drawing for 186 prizes in the art contest conducted by the Motion Picture Art Fund for the German Refugees. It was announced that more than $10,000 was realized from the nationwide sale of tickets at 25 cents each.

Baron Carl von Ripper, German refugee and artist; Max Kalisch, artist; Mrs. Henry R. Rittenberg, wife of the portrait painter, and Paula Fraser of Paramount drew the numbers. The luckiest ticket holder was J. H. Phillipson of the Joseph H. Cooper Enterprises, Lincoln, Neb., who had signed his name to $250 worth of pasteboards. He won six paintings. A ticket holder named Jack Fish won a picture of the Fulton Fish Market.

Paul Lazarus, Jr., presided, and Al Margolies of United Artists, chairman of the fund committee, handled the program. Baron von Ripper told of his experiences in a Nazi concentration camp and pleaded for continued support for the refugees.

'Oklahoma Kid' Gets $49,000 at Strand

"Three Smart Girls Grow Up" opens today at the Rivoli. "Oklahoma Kid" and "The Little Princess" will hold over. At the Strand, "Oklahoma Kid" grossed an estimated $49,000 in its first week. "The Little Princess" attracted an estimated $42,000 at the Roxy.

"Let Freedom Ring" took an estimated $22,000 at the Capitol. "Stagecoach" ended a two-week run at the Music Hall with an estimated $62,000 for the second week. "Spirit of Culver" grossed an estimated $9,000 in nine days at the Rivoli.

IATSE Asks Ouster Of Kibre's Complaint

HOLLYWOOD, March 16.—International representatives John F. Gatelee and Frank Strickling of I.A.T.S.E. today filed a motion in federal court to dismiss the complaint of Jeff Kibre, member Local 37, seeking an injunction to prevent International I.A.T.S.E. from interfering in affairs of the Local. The grounds cited were that a section of the N.L.R.B. act provides against court interference in a case before the board and that the federal court is without jurisdiction because parties concerned lack diversity of citizenship necessary to federal court intervention. Federal Court Judge William P. James set the motion for the hearing March 20.

Clashes of violence were reported today in a fight between officers of Local 37 and International representatives for control of the Local. No arrests were made.

Trans-Lux Net $133,717

Trans-Lux Corp. showed a net profit of $133,717 for 1938, equal to 18 cents a share of common stock. This compares with $349,382 or 49 cents a share for 1937.

Pass Bill to Tax Industry for Cost Of Quebec Censors

MONTREAL, March 16.—A measure requiring motion picture exchanges and theatre operators to pay for administration of the Quebec censor board was approved by the legislative assembly last night.

The bill which Premier Duplessis explained would bring the province "just reimbursement for the work of assuring Quebec people of films in conformity with our traditions' mentality and morality" carried on a 43 to eight division.

Opposition members charged that it permitted the government to "make political appointments to offices it does not support."

Another grief for the local industry came when Duplessis announced no amendments would be made this year to Quebec's law barring children under sixteen from theatres. He said maintenance of the law was recommended by both Catholic and Protestant authorities.

Games Continuing in Legislative Spotlight

Chance games continue in the legislative spotlight in several states.

In Wisconsin, a bill to outlaw games would make violations punishable by a minimum penalty of six months in jail or $500 fine or both. The present anti-lottery law is regarded as confusing by the attorney general, and the new legislation is intended to put "teeth" into the law.

The Iowa legislature's Ways and Means Committee has recommended passage of a bill to license games, while another committee has killed a measure to make games illegal by redefining the lottery laws.

The first move against games in Montana has been made in a federal court complaint filed against the Fox Missoula Theatre Corp of Missoula. The prosecuting attorney seeks an injunction against the theatre.

Authorities in Indianapolis, Passaic County, N. J., and Connecticut are taking steps to halt Bingo.

Feiber & Shea Hold Regional Conference

ZANESVILLE, O., March 16.—Feiber & Shea Southern Ohio Theatres held a meeting here, at which all managers of the circuit met with E. C. Grainger, general manager. Edward G. Raftery of O'Brien, Driscoll & Raftery, New York law firm, attended.

Managers present included: Frank King, Robert Rhodes, W. O. James, Joseph Scanlon, Clark Brown, Duke Prince, Paul Weltin, Harold Snyder, Dan Gilhula, Edward J. Hiehle.

Projectionist Bill Is Advanced at Albany

ALBANY, March 16.—The Crews New York City projectionists' bill was advanced to a third reading today. It will be voted on in the Assembly next week. The Bennett bill to tax theatre circuits was killed in the Taxation Committee. The Ostertag employment agency bill was the only measure to escape legislative death.

Illinois Bill Bans Divorcees in Films

Chicago, March 16.—Bill to ban from Illinois houses films which feature players who have been divorced more than once will be introduced into the state legislature this week by Representative William Gibbs. He declared that marriage was a "plaything" among boys and girls because of the example set by some screen players.

Hammons Leaves For N.Y. Tonight

HOLLYWOOD, March 16.—Having arranged preliminary details for permanent financing of Grand National Pictures, Inc., E. W. Hammons, head of the company, leaves Friday night for New York on *The Chief*. Complete details will be set within the next three weeks to provide the company with adequate money to take care of the entire year's program, it is reported. It is understood that Hammons will meet several representatives of English capitalists in New York. English money is expected to put up the major share of new funds.

Hammons has been endeavoring to line up product for immediate and future release for Grand National. Aside from three completed pictures and three scheduled to start within the next few weeks, little additional product is in sight unless Hammons' negotiations succeed. However, during his absence, negotiations for new financing have been under way here through Jack Skirball, Grand National production head, and Norman C. Nicholson, general counsel. Skirball is remaining here to confer with Hammons on Monday but plans to leave for the coast Monday night to begin production on "Miracle on Main Street."

Koerner to Replace Gross in RKO Post

(*Continued from page* 1)

San Francisco, headquartering in the last named city.

Koerner's record for RKO in New England is an outstanding one and, because of this, the RKO officials have delayed making up their minds about shifting him to the Coast. Boston is the toughest assignment on the RKO circuit and Koerner has handled it for 6 years, which is about a record for any division manager with that firm, and the RKO people have tried hard to keep him in the one spot.

In going to the Coast, Koerner goes to familiar territory, as he has served there before and also has operated independently there. He is one of the best known theatre operating executives in the country. He also operated for RKO in upstate New York and formerly handled the Texas interstate circuit for that company before the Hoblitzelle - O'Donnell interests regained ownership of these houses.

Ziegfeld Books "Paris"

"Heart of Paris," French film distributed by Tri-National, has been booked for Loew's Ziegfeld, March 28 and 29.

'Pygmalion' with $23,000 Is Strong Washington Lead

WASHINGTON, March 16. — "Pygmalion," with $23,000 in eight days, was the town's standout attraction at Loew's Palace.

"Yes, My Darling Daughter" at Warners' Earle returned a splendid $19,300, and "Huckleberry Finn," at Loew's Capitol, gave that theatre a big $21,200.

Estimated takings for the week ending March 9:

"Huckleberry Finn" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Frank Albertson. Gross: $21,200. (Average, $16,500)

"Idiot's Delight" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $4,100. (Average, $4,500)

"Pygmalion" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 8 days. Gross: $23,000. (Average, $12,000, 7 days)

"Spirit of Culver" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $4,000. (Average, $6,000)

"Yes, My Darling Daughter" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Cass Daley, Janis Williams & orch. Gross: $19,300. (Average, $16,000)

"You Can't Take It With You" (Col.)
"Ambush" (Para.)
WARNERS' METROPOLITAN—(1,591) (25c-40c). Gross: "You Can't Take It With You," 4 days, $3,000. "Ambush," 3 days, $1,300. (Average, $4,000)

Two Racine Groups Oppose Bank Night

RACINE, Wis., March 15.—Better Films Council and the Missionary Federation here have presented to the district attorney petitions carrying more than 1,000 signatures of persons opposed to Bank Night.

The council represents 25 organizations, while the Missionary Federation is composed of 25 separate clubs in Protestant churches.

District Attorney Richard G. Harvey, Jr., has been urged by Circuit Judge Cowie, La Crosse, who has instituted action against the La Crosse Theatres Co. and the Welworth Theatres, Inc., in connection with Bank Night, to attend when the case reaches the Supreme Court to present argument on the question of legality.

Penn. Censor Board Quits Functioning

PHILADELPHIA, March 16.—The Pennsylvania censor board ceased functioning today with no new appointees to take its place. Terms expired last night. Acceding to Gov. James' request, Mrs. A. Mitchell Palmer resigned. The other members, Patrick Duffy and Mrs. Hester M. Fye, were dismissed. Complaint was made that board used payroll money for equipment. Distributors and exhibitors fear a jam-up in film product unless the new board is named.

Miss Bennett Wins Point

Countess Dorothy Di Frasso has been ordered by N. Y. Supreme Court Justice Timothy A. Leary, to appear for examination in Los Angeles on application of Constance Bennett, with reference to a suit brought by Miss Bennett against Ben Hecht, Charles MacArthur and Charles Lederer for $62,500, charging breach of a contract to write a scenario for the plaintiff.

Loew Suit Findings Approved by Valente

Formal findings of fact covering the decision in the stockholders' suit against Loew's rendered last January were signed yesterday by N. Y. Supreme Court Justice Louis A. Valente. The order requires Nicholas M. Schenck, David Bernstein, Louis B. Mayer, J. Robert Rubin, Arthur M. Loew and the estate of Irving Thalberg to repay a total of $542,354 to the company, and dismissed all other charges.

Under the provision of the findings, the company will have judgment against Schenck for $69,447; Bernstein for $41,668; Mayer for $167,195; Rubin for $112,505; estate of Thalberg for $136,985, and Loew for $14,754. These sums will be debited against the profit-sharing accounts held by the defendants with Loew's.

In addition, attorneys and accountants for the stockholders will be allowed "reasonable fees" for their services. Proposed findings were submitted by the attorneys for both sides, and the greater number of those submitted for the defendants were approved by Justice Valente, including findings dismissing all charges based on waste and neglect.

Repayments ordered are based on a ruling that overpayments were made because of erroneous computations in determining net profits of the company.

Eleven consolidated stockholders' suits in all were on trial the greater part of December. Emil K. Ellis, chief counsel for the stockholders, yesterday stated that he would not appeal the decision. Several other stockholder attorneys, however, are considering appeals.

Files New Loew Action

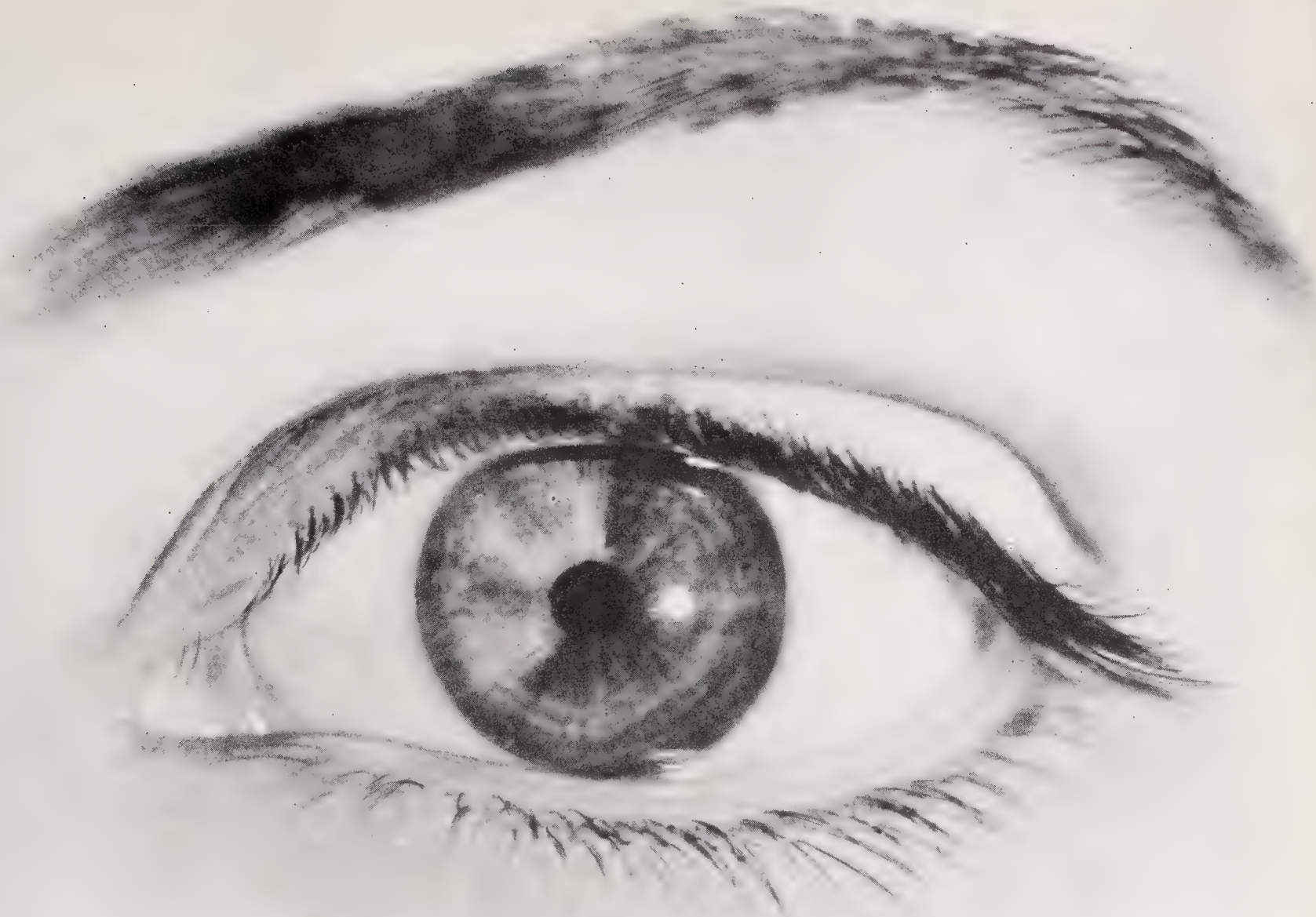
WILMINGTON, Del., March 16.—Arnold Herrmann, Loew stockholder, who recently filed a suit against the company's officers and directors in Chancery Court for alleged fraud and conspiracy in the formation of 20th Century Pictures, filed a similar suit in the U. S. District Court here today.

S. M. P. E. Sets Plans For Spring Meeting

Program arrangements are rapidly being completed here for the spring convention of the Society of M. P. Engineers, to be held April 17 to 21 at the Roosevelt Hotel, Hollywood.

A highlight of the program will be a television symposium with some of the country's leading authorities participating. Emphasis will be placed on the relation of the new science to films and theatres. Discussions of the most recent motion picture advances are being arranged, as well, and many important technical papers will be presented.

The general program is in charge of Major Nathan Levinson, executive vice-president of the society. Homer G. Tasker is chairman of the local arrangements committee; L. A. Aicholtz is chairman of the Pacific Coast papers committee; William Kunzman, convention vice-president, is general overseer of arrangements; Julius Haber, in charge of publicity; Walter Greene, in charge of the west coast office, and Sylvan Harris, chairman of the papers committee.



NOW IS THE SILLY SEASON WHEN YOU MUST KEEP YOUR WEATHER-EYE PEELED!



Those annual sales conventions are on. The boys are getting pepped up. The announcement books are being gilded.

Take my advice:



Demand

1–*That the company delivered its past promises.*

2–*That the salesman's statements have a basis in fact, not merely in enthusiasm.*

3–*That the company is helping you making money.*

4–*That its stars and pictures mean something–Summer, Winter, Spring and Fall–and Summer again.*



AND KEEP YOUR EAR CLOSE TO THE GROUND!

Remember: Most companies can only shout *before* they deliver. The sale is one thing to them, the product another.

THE OLD RELIABLE IS

(There's no suspense in this gag. You know the answer.)

1924-25-26-27-28-29-30-31-32-33-34

M-G-M

35-36-37-38-39-40 and till eternity

The Friendly Company

THE ONLY "A" PRODUCT ON THE MARKET—*that's a fact!*

STARS—STARS—HITS—HITS—RECORDS BROKEN—BIG THEMES—ACTION DRAMAS—BEST SELLING BOOKS AND PLAYS—GREAT PRODUCERS, DIRECTORS, AUTHORS—SUPERB TECHNICAL STUDIOS, GREAT PRINTS—DYNAMIC ADVERTISING AND PUBLICITY—NOTHING SMALL TIME—*Absolutely*

ON THE LEVEL!

'Topper' Big $36,700 for Los Angeles

LOS ANGELES, March 16.—"Topper Takes a Trip" was the outstanding grosser here, wtih $36,700 at two houses, $18,500 at the Warner Hollywood and $18,200 at the Warner Downtown.

"Pygmalion" came through with an eleventh week gross of $4,500 at the 4 Star.

Estimated takings for the week ending March 15:

"Stagecoach" (U. A.)
"Inside Story" (20th-Fox)
CHINESE — (2,500) (30c-75c), 7 days. Gross: $11,600. (Average, $12,500)
"Pygmalion" (M-G-M.)
4 STAR—(900) (40c-55c), 7 days. 11th week. Gross: $4,500. (Average, $3,250)
"You Can't Cheat an Honest Man" (Univ.)
"Fisherman's Wharf" (RKO)
HILLSTREET—(2,700) (30c-65c), 7 days. 2nd week. Gross: $7,500. (Average, $6,500)
"Stagecoach" (U. A.)
"Inside Story" (20th-Fox)
LOEW'S STATE—(2,500) (30c-75c), 7 days. Gross: $13,700. (Average, $14,000)
"You Can't Cheat an Honest Man" (Univ.)
"Fisherman's Wharf" (RKO)
PANTAGES—(3,000) (30c-65c), 7 days. 2nd week. Gross: $6,800. (Average, $7,000)
"Cafe Society" (Para.)
PARAMOUNT—(3,595) (30c-65c), 7 days. Stage: Cliff Nazarro, F. & M. revue, Smith Ballew and orchestra. Gross: $10,000. (Average, $18,000)
"Topper Takes a Trip" (U. A.)
"Secret Service of the Air" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c), 7 days. Gross: $18,500. (Average, $14,000)
"Topper Takes a Trip" (U. A.)
"Secret Service of the Air" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,460) (30c-65c), 7 days. Gross: $18,200. (Average, $12,000)

'Stand Up' Draws $7,000, Montreal

MONTREAL, March 16.—"Stand Up and Fight," on a double bill at the Princess grossed $7,000. "Gunga Din" accounted for $7,500 in its second week at the Palace, while the second week of "King of the Turf" brought $2,500 to the Orpheum. "They Made Me a Criminal" and "Comet Over Broadway" earned $7,000 at the Capitol.

Estimated takings for the week ending March 11:

"They Made Me A Criminal" (W. B.)
"Comet Over Broadway" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c), 7 days. Gross: $7,000. (Average, $8,000)
"Hard To Get" (W. B.)
LOEW'S—(2,800) (30c-40c-60c), 7 days. Stage: Rachel Carley and Continental Varieties of 1939. Gross: $6,500. (Average, $7,000)
"King of the Turf" (U. A.)
"Pride of the Navy" (Rep.)
ORPHEUM—(919) (25c-35c-50c), 7 days, 2nd week. Gross: $2,500. (Average, $5,000)
"Gunga Din" (RKO)
PALACE — (2,600) (25c-40c-55c-65c), 7 days, 2nd week. Gross: $7,500. (Average, $10,000)
"Stand Up and Fight" (M-G-M)
"The Girl Downstairs" (M-G-M)
PRINCESS—(2,272) (25c-35c-50c-65c), 7 days. Gross: $7,000. (Average, $6,500)

Mexico Strike Debated

MEXICO CITY, March 16.—Musicians here employed in film theatres are debating whether to call a strike to enforce their demands for a wage increase and 15-minutes recess after each half-hour of playing. Exhibitors are cool to the demand.

Hollywood Previews

"Within the Law"

(M-G-M)

HOLLYWOOD, March 16.—This edition of Bayard Veiller's play, "Within the Law," sticks closely to the melodramatic spirit of the original. Hardly any changes have been made in characterizations, situations or dialogue. Screenplay writers Charles Lederer and Edith Fitzgerald, however, did write in a couple of topical scenes to bring the story up to date. Nevertheless, the story will be new only to those who have become theatregoers since the piece was last made as "Paid" in 1931.

Playing the role of "Mary Turner," Ruth Hussey, convicted of the theft on circumstantial evidence, is railroaded to jail. A victim of persecution, she lives only to revenge herself on Samuel S. Hinds. Studying law while in jail, she learns all its tricks and, upon release, guides Paul Kelly's criminal gang to wealth by planning crimes within the law. Climaxing her burning desire for revenge by marrying Hinds' son, Tom Neal, she finds, when confronted with a new crisis, that life means something more than living for revenge. Frustrating a crime planned by Kelly, in which Paul Cavanaugh is killed, she implicates herself and Neal. But when Kelly confesses and Hinds relents, Miss Hussey sees a new happiness.

With such models as Norma Talmadge and Joan Crawford, the "Marys" of earlier productions, Miss Hussey turns in a good acting job. Adequate support is contributed by Neal, Hinds, Kelly, William Gargan, Rita Johnson, Cavanaugh and Sidney Blackmer in the principal support roles. Gustav Machaty directed.

Running time, 65 minutes. "G."* G. McC.

"Danger Island"

(20th Century-Fox)

HOLLYWOOD, March 16.—A sound story, a strong cast, all the melodramatic mystery anyone wants, plenty of comedy, a little love interest and high class production support combine to make "Danger Island" the best "Mr. Moto" picture to date. The island of Puerto Rico is the locale; the time, the present. Diamond smuggling endangers the legitimate gem market. Dealers' associations, in alliance with the government, hire "Mr. Moto," Peter Lorre, to break up the racket.

To the tune of a comic wrestling match, which sets Warren Hymer as an important figure, the show starts off in a gale of fun. Hymer and his comedy continue, but once Lorre lands on the island, melodrama takes over. Confronted by clues that point to any number of suspects, and forced to contend with native superstition, Lorre is up against a stone wall. Not until he makes all with whom he comes in contact believe that he is a super-crook does he get the leads that point to the smuggler leader. This character is cleverly concealed until the last minute.

Lorre turns in his usual good job, but Hymer comes pretty close to stealing the show. Amanda Duff and Robert Lowery share the slight romantic love interest. Able character actors Jean Hersholt, Richard Lane, Leon Ames, Charles D. Brown, Douglas Dumbrille, Paul Harvey, Eddie Marr and Harry Woods contribute smooth support.

A novel story idea, a screenplay and J. P. Marquand's "Moto" character are the basis of the story. In directing, Herbert I. Leeds wrapped all his story, production and personnel material up tightly together to make an entertaining show.

Running time, 65 minutes. "G."* G. McC.

**"G" denotes general classification.*

Jubilesta in June

KANSAS CITY, March 16.—The Jubilesta, Kansas City's big Municipal Auditorium show, will be held early in June this year instead of early in the fall as in the three previous years, and will be cut from eight days to five. E. C. Rhoden of Fox Midwest Theatres is a member of the Jubilesta committee.

Etta Segall Quits GN

Etta Segall has resigned as office manager and head booker at the Grand National exchange, and on Monday will join Harry Thomas' distributing organization in the same capacity.

Raise Cincinnati Scale

CINCINNATI, March 16. — RKO Family, which recently switched from three changes a week to a double feature policy with two weekly changes, now has advanced its scale to 20 and 30 cents for afternoon and evening, respectively. Previous rates were 15 and 25 cents.

Drop Vaude in Montreal

MONTREAL, March 16.—Loew's, one of Consolidated Theatres' first run houses here, will drop vaudeville. For years the theatre has been one of Montreal's two vaudeville centers, the stage show usually being supported by two films.

'Darling' at $29,000 High, Philadelphia

PHILADELPHIA, March 16.—"Yes, My Darling Daughter" at the Fox with Ted Weems on the stage drew $29,000.

The Palace took $5,000 for "Four Girls in White" in the second week. "Let Freedom Ring" at the Stanley drew $12,500. "Wife, Husband and Friend" did $11,000.

Estimated takings for the week ending March 9:

"Stagecoach" (U. A.)
ALDINE—(1,300) (32c-42c-57c) 7 days, 2nd week. Gross: $8,000. (Average, $8,160)
"Honolulu" (M-G-M)
ARCADIA—(600) (25c-42c-57c) 7 days. Gross: $2,700. (Average, $2,800)
"Wife, Husband and Friend" (20th-Fox)
BOYD—(2,400) (32c-42c-57c) 7 days. Gross: $11,000. (Average, $14,000)
"Idiot's Delight" (M-G-M)
EARLE—(2,000) (26c-32c-42c) 7 days. Gross: $8,000. (Average, $8,000)
"Yes, My Darling Daughter" (W. B.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Stage: Ted Weems band. Gross: $29,000. (Average, $16,000)
"Tail Spin" (20th-Fox)
KARLTON—(1,000) (32c-42c-57c) 7 days. Gross: $3,300. (Average, $4,000)
"Three Musketeers" (20th-Fox)
KEITH'S—(2,000) (32c-42c-57c) 7 days. Gross: $2,800. (Average, $4,000)
"Four Girls in White" (M-G-M)
PALACE—(1,000) (26c-42c) 7 days. Gross: $5,000. (Average, $4,500)
"Let Freedom Ring" (M-G-M)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $12,500. (Average, $14,000)
"Let Us Live" (Col.)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $5,500. (Average, $7,000)

'Freedom Ring' Is Milwaukee's Best Grossing $6,000

MILWAUKEE, March 16.—"Let Freedom Ring" and "Flirting With Fate," at Fox's Wisconsin proved the week's winner with $6,000. It was the only program to exceed average.

Estimated takings for the week ending March 8-10:

"Yes, My Darling Daughter" (W. B.)
"You Can't Cheat an Honest Man" (Univ.)
WARNER—(2,400) (35c-50c) 6 days. Gross: $4,500. (Average, $4,500)
"Peg of Old Drury" (Tri-Nat'l)
LITTLE THEATRE—(1,098) (35c-50c) 7 days. Gross: $2,000.
"Cafe Society" (Para.)
"Tom Sawyer, Detective" (Para.)
PALACE—(2,400) (35c-50c) 7 days. Gross: $4,000. (Average, $4,000)
"Homicide Bureau" (Col.)
RIVERSIDE—(2,300) (25c-30c) 7 days. Stage: The Big Mirth Parade. Gross: $5,000. (Average, $5,000)
"Let Freedom Ring" (M-G-M)
"Flirting With Fate" (M-G-M)
Wisconsin—(3,200) (35c-50c) 7 days. Gross: $6,000. (Average, $5,500)
"Pygmalion" (M-G-M)
"Mr. Moto's Last Warning" (20th-Fox)
STRAND—(1,400) (35c-50c) 7 days. Gross: $1,800. (Average, $2,000)

Halt Portable Showings

TORONTO, March 16. — Standard rental agreement of the Film Boards of Trade in Canada has stopped the further use of 35 mm. pictures in halls by prohibiting the booking of standard films except for theatres having permanently installed projection machines and sound systems. This means the termination of standard film exhibition with portable projection equipment.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[*Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Feb. 10	Texas Stampede *Starrett Meredith*	Adventures of Huckleberry Finn (G) (C) *Rooney Connolly*	Sundown on the Prairie (O) *Tex Ritter*	Persons in Hiding (G) (D) *Overman* (3823)	Woman Doctor (G) (D) *Inescort Wilcoxon*	Boy Slaves (G) (D) *Anne Shirley Roger Daniel*	Tail Spin (G) (D) *Alice Faye Bennett Charles Farrell*	Made for Each Other (G) (D) *Lombard Stewart*	The Phantom Stage (O) *Bob Baker*	Wings of the Navy (G) (D) *John Payne deHavilland George Brent*	Renfrew Saves a Lady (Renfrew Series) *James Newill* (Feb. 10)
Feb. 17	My Son Is a Criminal *Alan Baxter Jacqueline Wells*	Fast and Loose (G) (C) *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport (G) (D) *Paul Kelly June Lang*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers (G) (C) *Don Ameche Ritz Bros. Binnie Barnes*	King of the Turf (G) (D) *Menjou Dolores Costello*	You Can't Cheat an Honest Man (G) (C) *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	
Feb. 24	Let Us Live (G) (D) *Fonda O'Sullivan*	Let Freedom Ring (G) (D) *Eddy L. Barrymore McLaglen*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation (A) (D) Sunset Trail (3857) (G) (O)	I Was a Convict (G) (D) *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Society Smugglers (G) (D) *Preston Foster Irene Hervey Walter W. King*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	
March 3	Romance of Redwoods (O) *Bickford*	Pygmalion (G) (C) *Leslie Howard Wendy Hiller*	Mystery of Mr. Wong (G) (D) *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Carroll MacMurray* 3826		Twelve Crowded Hours (A) (D) *Richard Dix Lucille Ball*	Wife, Husband and Friend (G) (C) *Loretta Young Baxter*	Stagecoach (G) (O) *Claire Trevor John Wayne Andy Devine*	Risky Business (G) (D) *George Murphy Dorothea Kent*	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	
March 10	Blondie Meets the Boss (G) (C) *Arthur Lake*	Ice Follies of 1939 (G) (D) *Crawford Stewart Lew Ayres*	Mystery Plane (G) (D) *John Trent Polly Ann Young*	The Beachcomber (A) (C) *Laughton Lanchester* 3863	Rough Riders Round-Up (O) *Roy Rogers Mary Hart*	The Saint Strikes Back (G) (D) *George Sanders Wendy Barrie*	Inside Story (G) (D) *Michael Whalen Jean Rogers*	Prison Without Bars (A) (D) *Corinne Luchaire Edna Best Barry Barnes*	Spirit of Culver (G) (D) *Jackie Cooper Bartholomew Andy Devine*	The Oklahoma Kid *Cagney Bogart Rosemary Lane*	
March 17	Lone Star Pioneers *Bill Elliott Dorothy Gulliver*	Sergeant Madden *Wallace Beery*	Trigger Smith (O) *Jack Randall*	King of Chinatown *Anna May Wong Tamiroff* 3827	My Wife's Relatives (G) (C) *Lucille, James and Russell Gleason*		The Little Princess (G) (D) *Shirley Temple Richard Greene Anita Louise*		Mystery of the White Room *Bruce Cabot Helen Mack*	Adventures of Jane Arden (G) (D) *Rosella Towne William Gargan*	
March 24	Whispering Enemies (G) (D) *Jack Holt Dolores Costello*	Within the Law (G) (D) *Ruth Hussey Rita Johnson*	Undercover Agent *Russell Gleason Shirley Deane*	Midnight *Colbert Ameche* (G) (C) 3828		Trouble in Sundown (G) (O) *O'Brien*	Everybody's Baby (A) (C) (*Jones Family*)		Three Smart Girls Grow Up *Deanna Durbin Winninger*	Blackwell's Island (G) (D) *Garfield Rosemary Lane*	
March 31	North of the Yukon *Starrett Winters*	The Kid from Texas *O'Keefe Florence Rice*	Streets of New York *Jackie Cooper*	Sudden Money *Ruggles Rambeau* Silver on the Sage	Mexicali Rose (O) *Gene Autry*	Almost a Gentleman *James Ellison*	Hound of the Baskervilles *Greene Rathbone*		Family Next Door *Hugh Herbert Joy Hodges*	On Trial *John Litel Margaret Lindsay*	
April 7	The Lady and the Mob (G) (C) *Fay Bainter Ida Lupino*	Broadway Serenade *MacDonald Ayres Ian Hunter*	Boys' Reformatory *Frankie Darro*	I'm From Missouri *Bob Burns Gladys George* 3830		Love Affair (G) (D) *Boyer Irene Dunne* Flying Irishman (G) (D)	Mr. Moto in Danger Island (G) (D) *Lorre Hersholt*	Wuthering Heights *Oberon Olivier Niven Flora Robson*	East Side of Heaven *Bing Crosby Joan Blondell Mischa Auer*	Dark Victory (G) (D) *Bette Davis George Brent Bogart*	
April 14	First Offenders *Walter Abel Beverly Roberts*	Calling Dr. Kildare *Lionel Barrymore Lew Ayres*	Wolf Call *John Carroll Movita*	Back Door to Heaven *Erwin Wallace Ford McMahon*		They Made Her a Spy *Sally Eilers Allan Lane*	Story of Alexander Graham Bell *Ameche Loretta Young Fonda*			Women in the Wind *Kay Francis William Gargan Victor Jory*	

Banner LINES

CBS is nothing less than candid in press releasing information that Elizabeth Russell, sister-in-law of Rosalind Russell, has joined the cast of "Cavalcade of America." The release blandly states that Elizabeth is a "fugitive from the B pictures."

▼

Winchell items that the CBS series "This Is New York" is abandoning items of metropolitan flavor and seeks only big names. Truth of the matter is that CBS is abandoning the expensive series altogether. The show has been eating up about $3,000 a week, terrific money for a sustainer, and not having sold it in 13 tries, the network is scrapping it.

▼

Not a bad day's work accomplished by Jack Johnstone of the Biow agency, considering it was a Sunday. Biow is transcribing the Buck Rogers series for a client, and last Sunday Johnstone wrote an installment, cast, directed and announced, acted a part in, and handled the sound effects of the episode.

▼

Advertisers have been complaining about the small rate reduction on WLW since its return to 50,000 watts. The reduction, from $1,200 to $1,080, amounts to but 10 per cent. However, Jimmy James of NBC has figured a way to combat that complaint by comparing the 1939 rate of $1,200 to WLW's last rate at 50,000 watts, in 1934, which was $990. The increase over the five years is nine per cent, whereas the increase for the same number of years of a typical list of other 50,000-watt stations amounts to more than 40 per cent. James concludes that WLW, instead of being criticized for not lowering its rate enough when it dropped back to 50,000 watts, should be commended for not raising the rate enough when they went to 500,000 watts.

▼

New program ratings show but slight changes in the relative ranking of the leading programs, other than that Eddie Cantor's show is now among the leading 10 and that Rudy Vallee's program is out of that charmed circle. That gives CBS a better standing than previously, with the count now six for NBC, five for CBS. The 10 leaders, in order, are Chase & Sanborn, Jack Benny, "Lux Theatre," Bing Crosby, Fred Allen, Major Bowes, M-G-M "Good News," Kate Smith, Kay Kyser, Ed Robinson's "Big Town," and Eddie Cantor.

▼

Those tremendous bellows of laughter coming from an aisle seat, center row of the theatre where "Kiss the Boys Goodbye" is playing, needed no identification, despite the darkness, the other night. Most of the audience recognized the explosions as Edward Arnold's. The show is a travesty on Hollywood producers, and Arnold got a tremendous wallop every time Claire Brokaw Luce's needled dialogue made a thrust.

—Jack Banner

Freak Television Reception Studied

Montreal, March 16.—In an attempt to test what was believed to be a "freak transmission" of a London television broadcast, authorities of British Broadcasting Corp. have asked the Canadian Broadcasting Corp. to install a test receiving set in Western Canada. The set would be located on the prairies surrounded by terrain which engineers from Canada, the United States and Great Britain claim to be one of the best in the world for receiving purposes.

The suggestion was made to Leonard W. Brockington, chairman of the board of governors of CBC, after a BBC telecast was picked up clearly at Long Island by NBC.

FCC Calendar

Washington, March 16.—Application for a construction permit for a new 1,500-kilocycle station with 100 watts power night, 250 watts day, has been filed with the Federal Communications Commission by the Neptune Broadcasting Corp., Atlantic City, N. J.

Also filed with the commission were applications of WELI, New Haven, for change of frequency from 900 to 930 kilocycles and extension of time from day to unlimited with 250 watts night, 500 watts day, and WRDW, Augusta, Ga., for increase of night power from 100 to 250 watts.

It was announced by the commission that hearings will be held May 8 on the application of WICA, Ashtabula, O., for increase of power from 250 to 1,000 watts; May 24 on the application of the Patrick Henry Broadcasting Co. for a 1,420-kilocycle station at Martinsville, Va., with 100 watts night, 250 watts day, and on May 25 on the application of M. L. Medley for a 1,370-kilocycle station at Cookeville, Tenn., with 100 watts night, 250 watts day.

Tentative Dates Set

The commission has set tentative dates for hearings on broadcasting applications, as follows:

April 10: Applications of M. C. Reese for a new 1,200-kilocycle station at Phoenix, Ariz., with 100 watts night, 250 watts day, and KRBA, Lufkin, Tex., for increase of power from 100 to 250 watts.

May 9: Applications of KERN, Bakersfield, Cal., for change of frequency from 1,370 to 1,388 kilocycles and increase of power from 100 to 1,000 watts, and KMJ, Fresno, Cal., for increase of day power from 1,000 to 5,000 watts.

May 10: Application of KOH, Reno, Nev., for change of frequency from 1,380 to 630 kilocycles and increase of power from 500 to 1,000 watts.

May 12: Application of KROY, Sacramento, for extension of time from day to unlimited.

May 26: Application of John F. Arrington, Jr., for a 1,230-kilocycle, 250 watt station at Valdosta, Ga.

Theatre Television Approved by BBC

London, March 16.—British Broadcasting Corp. has indicated that it has no objection to the telecasting in film theatres of national events and professionally-promoted sporting contests, where agreements are concluded between the promoters and exhibitors.

Despite the guarded and defensive wording of the statement, it is seen in many quarters as indicating a significant policy change on the part of B.B.C., which is expected to influence the development of theatre television.

Broadcast Cancelled From Czechoslovakia

First trans-Atlantic broadcast speech of Dr. Emil Hacha as president of Czechoslovakia, scheduled for tomorrow over CBS, was cancelled yesterday, according to word radiogramed here by William Shirer, CBS Central European representative, now in Geneva. No reason was given for the cancellation of the broadcast, but obviously it follows Germany's most recent annexation move.

Last night over CBS, Jan C. Masaryk, former Czech Ambassador to London, was interviewed by H. V. Kaltenborn. He spoke from WBBM, Chicago, with Kaltenborn operating from the studios of WABC here.

Rise in CBC Charges Seen by Brockington

Ottawa, March 16.—L. W. Brockington, chairman of the Canadian Broadcasting Corp., told the radio committee of Commons that fixed charges for the coming year would be $1,423,000, an increase of $400,000 over the current year. He gave figures for the year just past as $1,046,500 for charges against radio license revenue of $2,700,000. He declared that "advertising revenue alone never would be sufficient for the national coast-to-coast system."

Wheeling Executives Due

Three executives of the Wheeling Steel Corp., W. W. Holloway, president; John Neudoerfer, executive vice-president, and John Grimes, general advertising manager, will arrive in New York March 22 to discuss future plans for their Mutual radio network program, "Musical Steelmakers," which features employes of the steel mill. They will tender a cocktail party to the press that evening at the Barclay Hotel.

WHN Raises Rates

WHN's rate card, issued today, and effective March 31, raises the basic hour rate from $400 to $450. In the main, however, the new rate schedule is an attempt at standardization rather than a price increase. Otherwise, the card contains no changes from the previous schedule.

Order 4,000 Recordings

WOR's Transcription Bureau has just received its largest order—4,000 recordings of "The Shadow," which it will transcribe for the B. F. Goodrich Co. Ruthrauff & Ryan placed the business. The discs will be aired over approximately 150 stations.

Women's Groups Waging Fight on Juvenile Programs

A number of leading women's organizations, headed by the General and State Federation of Women's Clubs, National P-T-A, the American Legion Auxiliary, are waging a widespread fight against "blood and thunder" children's programs, and have been meeting for the past several weeks with advertising agency and network executives on plans to stop that type of broadcast.

The organizations of clubwomen are offering to set up shows that will serve as criterions for juvenile programs, and leading the proposed shows is the radio adaptation of "White Banners." The clubwomen are offering to back this program with special radio sets that will be placed in classrooms to allow students to hear the series, all at the expense of the women's organizations. Several of the agencies have already shown interest in "White Banners" because of the backing of the clubwomen.

Albany Bill to Ban Unauthorized Discs

Albany, March 16.—Senator Charles D. Perry of Manhattan has introduced a bill here to give stations and sponsors the right of legal recourse against those who make and sell records of broadcasts without authority.

Under terms of the Perry bill "possession for the purpose of sale" of unauthorized broadcasting recordings would be larceny. A show cause order from any judge would be sufficient for the destruction of such records. The bill has been referred to the Codes Committee and an Assembly sponsor undoubtedly will be sought for the bill.

Mexico Is Featuring U. S. Neighbor Hour

Mexico City, March 16.—"Good Neighbor Hour," featuring a program designed to increase good relations between Mexico and the United States, is being presented every Thursday from 11 P.M. to midnight by the Government's publicity department from XEDP and XEXA here and XENT at Nuevo Laredo, opposite Laredo, Tex. The department expects the program will attract many American tourists.

Air "Lux" in Australia

Hollywood, March 16.—Cecil B. DeMille last night launched the Australian edition of the "Lux Radio Theatre" via a radio telephone hookup. Speaking from his office at the Paramount Studios, DeMille raised the curtain on the first of a series to be broadcast from Sydney under the Lux sponsorship. The play was "Interference." Also recounted were highlights from the DeMille film, "Union Pacific."

Mexico Gets 25th Station

Mexico City, March 16.—The number of active radio stations here has been increased to 25 with the inauguration of XEQK. It operates on 1,470 kilocycles. Angel H. Ferreiro is general manager.

THE 5TH * OF THE MOST AMAZING SERIES OF HITS IN BOX OFFICE HISTORY

THE NEW UNIVERSAL
presents



Deanna

DURBIN

with

Nan GREY · *Helen* PARRISH

in

"3 SMART GIRLS GROW UP"

with

Robert CUMMINGS
Charles WINNINGER
William LUNDIGAN

Original screenplay by Bruce Manning and Felix Jackson
Produced by JOE PASTERNAK
A HENRY KOSTER *production*
Directed by Henry Koster

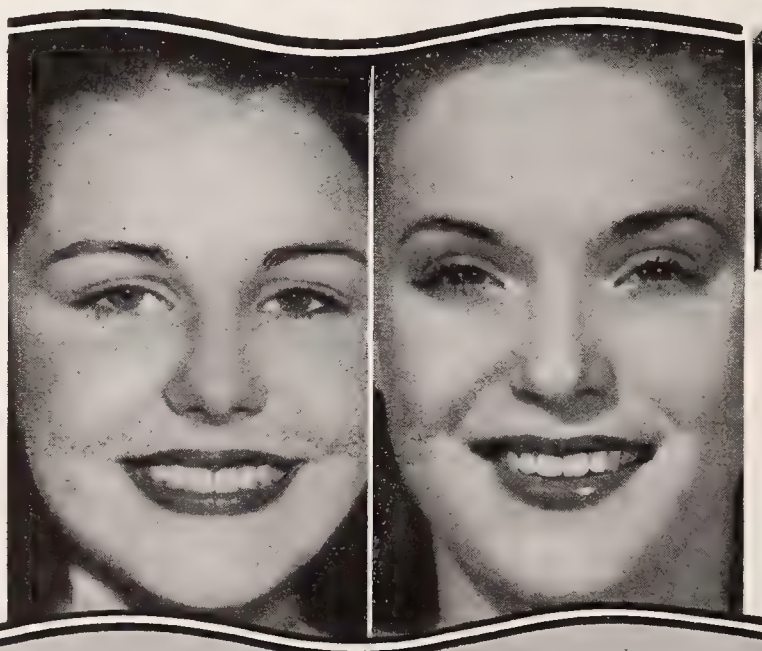




Deanna sings your favorites!

Pre-release
MARCH 24

Regular Release
APRIL 7







UNIVERSAL PICTURES

*...AND BY FAR THE GREATEST!

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 53 NEW YORK, MONDAY, MARCH 20, 1939 TEN CENTS

Bank Night Is Ruled Illegal In Delaware

'Cold Blooded Device' Is Court Description

WILMINGTON, March 19. — Bank Night has been declared illegal in Delaware by the State Supreme Court *en banc,* and in an opinion by Chief Justice Daniel J. Layton was termed a lottery whereby "the theatre prospers and greed, envy and other evils, inherent in lotteries, are encouraged."

The opinion was in the suit of Affiliated Enterprises, Inc., against Roland H. Waller, operating the New Waller at Laurel, Del. The scathing opinion characterized Bank Night as a "cold blooded business device." Judges Charles S. Richards, Frank L. Speakman and Richard S. Rodney concurred in the opinion.

The action was brought to recover damages for an alleged breach of a license agreement whereby Affiliated for a weekly sum allowed the theatre to use Bank Night.

The contract, the court declared, is an illegal contract, in the enforcement of which the court will not assist, according to the opinion, which said further, "in holding out offers of an award of the kind and in the manner disclosed by the contract, they (theatres) are not moved by a spirit of brotherly love, sympathy for the poor to the end that they may enjoy a more abundant life, or warmth of heart in any degree." The case was certified to the court *en banc* by the Superior Court of Kent County.

I.T.A.S.E. Enjoins Union's Radio Talk

HOLLYWOOD, March 19. — International officers of the I.A.T.S.E. on Friday obtained a Superior Court injunction in the fight for control of Studio Technicians' Local 37 to prevent the radio talk Saturday and the meeting today from being represented as official action of Local 37.

A. Brigham Rose and Joseph Carpenter, local president suspended by International officers, were restrained in the order of Judge Emmett Wilson from "calling, arranging or holding any meeting . . . of members of Local 37 for the purpose of conducting . . . business or affairs of the local, or for the purpose of collecting dues or contributions from members."

The injunction further restrains the officers from holding any meeting of members through a radio broadcast or public address.

Durante Tells What Film Business Needs

Jimmy Durante offered his own solution to the ills of the film business Friday when "Two Ton" Tony Galento posed for cameramen in preparation for his personal appearance at Loew's State starting March 30. Posing with Galento were C. C. Moskowitz and Marvin Schenck. Jimmy, looking at the horde of photographers and reporters present, offered: "What the picture business needs is crowds like this inside the theatres."

M-G-M Opens Its 15th Year Convention

CHICAGO, March 19.—Metro's sales convention opened today at the Palmer House, under guidance of William F. Rodgers, general sales manager, who will preside at all sessions. More than 200 are in attendance besides exhibitor leaders, guests of the convention. Howard Dietz, advertising and publicity director, addressed the opening session.

Company leaders who are here include Nicholas M. Schenck, president, and Al Lichtman, vice-president, besides the sales chieftains. The con-

(*Continued on page 4*)

Para. Earnings Up; Will Retire Bonds

Paramount's earnings for the first quarter, this year, are expected to run well over $1,000,000, despite losses on certain high cost pictures.

By arrangement with subsidiaries in Florida, Minnesota, New England and banks, Paramount has authorized the redemption of another $2,750,000 of its outstanding 6 per cent debentures, due in 1955. They are being called at par plus accrued interest on April 17. On Feb. 20, $5,000,000 of the debentures were redeemed by arrangement with B. & K. and Chicago banks and also use of company cash reserves.

Balance of Paramount's outstanding six per cent debentures after the April redemption will amount to $1,750,000. Indications are that retirement of the balance will be authorized in the near future. Redemptions already authorized this year represent annual interest savings to the company of approximately $250,000.

London Confirms New Film Plans by Korda

LONDON, March 19.—A public announcement by London Films over the week-end confirmed that Alexander Korda Productions, Ltd., has been formed to produce for United Artists, as published in MOTION PICTURE DAILY on Friday.

The new company has a loan and share capital of $2,600,000. Korda continues as chairman and managing director of London Films. Stars associated with Korda Productions will include Laurence Olivier, Vivian Leigh, Sabu, and Ralph Richardson.

Practice Pact Unchanged by Myers Parley

Both Sides May Make New Suggestions

Industry trade practice program remains unchanged following the two days of conferences, Thursday and Friday, between company lawyers and Abram F. Myers, chairman and general counsel of Allied States, on the latter's proposals for amendment of the program.

It is understood that both sides may make new suggestions at a later date in an effort to improve the effectiveness of the program's provisions for arbitration, or other treatment of trade disputes, and to insure it against possible objections from the Department of Justice. When and if something definite is proposed along these lines, new meetings will be scheduled.

Plan, Attitude Unchanged

At present, however, both the status of the plan and the attitude of Allied toward acceptance or rejection of the program remain exactly as they were prior to the meeting of the lawyers. Nor did the discussions develop anything in the way of a solution of some

(*Continued on page 9*)

W.B. Advances 'Spy' Bookings in Crisis

Because of events abroad which tend to make "Confessions of a Nazi Spy" an extremely timely film, Warners have advanced the premiere of this film in New York, scheduling it for opening at the Strand, on Broadway, April 7, directly after "Dodge City."

This is the earliest date available for the film at the Strand. The congestion in Warner bookings caused by the "Spy" picture will be partly relieved by "Dark Victory" going into the Radio City Music Hall, April 20.

In the meantime, Warners will reopen the Hollywood, on Broadway as a roadshow house for "Juarez," on May 28.

Warners will thus be able to shift their releasing schedules and make available for immediate general release such films as "Kid from Kokomo," "Each Dawn I Die," and "Roaring Road."

Insiders' Outlook

By SAM SHAIN

INDICATIONS of startling trade developments appear to be just around the corner.

Out of the study and discussion of trade practice procedure which have been occupying executive attention for some time, it is now commencing to appear that plans have been formulated which are likely to receive public expression in the near future.

These plans center about arrangements that would mean a radical departure in sales and selling. As nearly as can be learned now, decided preference is being given to that oft-time advocated scheme under which pictures would be completed and ready for screening before being offered for sale.

One distributor was ready to institute such a scheme months ago. The company delayed action because it did not wish to disrupt the trade practice discussions which were being held and in which it joined.

Now the matter has been revived.

Certain distributors with expensive pictures have considered a plan patterned after the British system. These companies have been holding off action because they do not want to jeopardize smaller companies which are not

(*Continued on page 2*)

Purely Personal

BORIS MORROS left for Hollywood last night accompanied by his partner, JACQUES GRINIEFF, who arrived on the *Ile de France*. MORROS will return to New York in about a month.

•

RAMOS COBIAN, AMANDA LEDESMA and ALBERTO VILAR, producer and stars of the forthcoming Spanish production, "Tango En Hollywood," will leave for the coast tomorrow night.

•

PANDRO BERMAN, RKO production head, was scheduled to leave for the coast by train yesterday after a two-week visit in New York.

•

E. W. HAMMONS arrives from the coast Thursday. JACK SKIRBALL, Grand National production head, plans to leave for Chicago to confer with Hammons.

•

ED KUYKENDALL, M.P.T.O.A. president, goes to Washington today from the M-G-M sales convention in Chicago, and may come to New York for a few days next week.

•

IAN JAVAL, commercial director for Baird Television, sailed for London on the *Ile de France* on Saturday after a visit of several months here.

•

BINNIE BARNES, 20th Century-Fox player, left New York Saturday for Havana after three weeks in New York.

•

SHIRLEY ROSS, Paramount star, has arrived in Chicago from the coast for a series of personal appearances in Balaban & Katz houses.

•

TYREE DILLARD, M-G-M attorney, returns today from a short vacation in North Carolina.

•

A. C. BERMAN, formerly European representative for Selznick International, left for the coast Friday.

•

JOHN WEINISCH, salesman at Columbia's New York exchange, is due back today from a two-week vacation.

•

JEROME JACKSON, former head of Warner production in England, sailed Saturday on the *Ile de France*.

•

GLADYS COOPER (MRS. PHILIP MERIVALE) sailed on the *Ile de France* Saturday.

•

MR. and MRS. LEO SPITZ have returned from a Florida vacation.

Indictment Refused In Bingo at Jewel

N. Y. County Grand Jury refused Friday to return an indictment against the management of the Jewel, Manhattan, in connection with Bingo games there. N. Y. Allied and Harry G. Kosch, its counsel, fought the case.

Insiders' Outlook

By SAM SHAIN

(*Continued from page* 1)

sufficiently strong financially to carry out a similar plan.

The British system is not a self-regulation system.

Under the British law the distributor must tradeshow finished pictures before selling. Block booking is not permissible in Britain. Blind selling is illegal. Pictures must be shown before they are booked, and they are shown individually. Shorts and newsreel weeklies come within the letter of the law.

▼ ▼

Dispatches from Melbourne report a speech by R. G. Menzies, who has just resigned as Commonwealth Attorney General, wherein he declares U. S. films tend to give Australians a wrong impression of Americans. Americans are portrayed in U. S. films as either dreadfully poor and living in slums, or living in a state of splendid immorality, with entrance halls hundreds of yards long and bathing girls on every terrace. It is little wonder, he concludes, that Australians fail to understand that the majority of Americans are honest, hard-working people like themselves.

▼ ▼

We give you H. A. Cole, president of Allied States Association of Motion Picture Exhibitors. He writes as follows:

"I don't know how it happens, but I have been rather consistently misquoted in your publication for the past week or so, and I notice particularly in your Thursday issue, March 16, statement is made that in a speech before the Massachusetts State Federation of Women's Clubs at Boston I reiterated my proposal for abolition of block booking and 'all clearance between prior and subsequent runs'.

"The facts of the matter are that, while the first statement as to block booking is entirely correct, there was not even a mention made in my talk before the ladies as to clearance. This is perfectly obvious to anyone who thinks of that matter, as to discuss such trade practices in any detail before a gathering of this sort would be positively silly.

"For some reason or other your paper appears to be making a great issue of a casual and perhaps fantastic idea, which I threw out for the matter of discussion, and that is this one of 'no clearance.' The clearance situation practically everywhere throughout the United States is a mess, and for the purpose of discussion and with the idea that some constructive new features might be brought forward, I threw this on the table with the expectation that it might bring out some thought. I have not ever laid this down as a cure-all or as a definite and final conclusion."

▼ ▼

To commemorate the 70th anniversary of the completion of the first transcontinental railroad, Cecil B. DeMille, who recreated this event in his forthcoming picture, "Union Pacific," is distributing polished gold spikes mounted on a walnut base, which may be used as paper weights. This is said to duplicate the famous spike driven at Promontory Point, Utah, when the Union Pacific met the Central Pacific.

▼ ▼

Visitors to the Fair and residents also should know that it makes a difference in the fare, when riding in a taxi, whether the driver's clock is only partly down or all the way.

▼ ▼

After two days spent at the M. P. P. D. A. headquarters the publicists hired to serve the defendants in the pending anti-trust suit, we understand, are now fully equipped to inform the public about the business.

▼ ▼

Exhibitors around the country are receiving copies of Howard Spring's book, "My Son, My Son," through an arrangement Lynn Farnol has made with the Viking Press, publishers.

▼ ▼

Just for the record: Pandro Berman's contract with RKO has 13 months to go. There has been no revision of the terms.

To Query in Lloyd Suit

Harold Lloyd Corp. and Harold Lloyd, defendants in a $75,000 suit, have filed notice in the U. S. District Court that they would examine William Jordan Rapp and Lowell Brentano, plaintiffs, before trial on March 22. Suit is based on a claim that the film, "Professor Beware" was adapted from the plaintiffs' scenario, "Greek to You."

Mexico Stage Seeks Government Subsidy

MEXICO CITY, March 19.—So hard hit is the local theatre by the screen and radio that a group of stage players has asked the federal government to provide a subsidy to assure that the theatre in Mexico, particularly its lighter phases, shall not pass into oblivion.

New License Bill Offered at Albany

ALBANY, March 19.—Senator Coudert, New York City, has introduced legislation to amend the Business Law in relation to the sale of theatre admission tickets. The Coudert measure sets up license commissioners in cities for agency regulation instead of the Secretary of State. The commissioners would be empowered to question theatre managers and employes about business practices.

The Webb bill calling for a referendum by villages on Sunday motion pictures has been advanced to a third reading and is scheduled for vote in the Assembly next week.

Bowles Is Named as Skouras Drive Head

Arch M. Bowles, National Theatres division manager at San Francisco, has been named field marshal of the circuit's Spyros Skouras Showmanship Drive, which starts April 1 for 13 weeks.

More than 15,000 in cash prizes will be awarded to winners in the field. The campaign is patterned after the 20th Century-Fox S. R. Kent drives. Bowles will head a "flying squadron" which will hold divisional meetings during the campaign.

Rules and regulations were set up by a committee including W. T. Powers, J. J. Sullivan, Harry C. Cox, Sumner Gambee, Ed Zabel and Milton Hossfeld. This committee will continue to serve in an advisory capacity.

'Top o' the Mornin' To You'—From 'U'

W. A. Scully, Universal general sales manager; F. J. A. McCarthy, eastern sales manager, and B. Bernard ("Killarney") Kreisler, Washington branch manager, were responsible for the wearing of a lot of the green that colored the town last Friday.

Cards accompanying the green carnations the trio distributed throughout the trade managed to include a "commercial." The cards read: "Top o' the mornin' to you! Begorra, 'You Can't Cheat an Honest Man,' or 'Three Smart Girls' 'East Side of Heaven'."

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1; cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Nothing Can Stop Us!

Coming right up!

JOHN (THE GREAT)

GARFIELD

in

Blackwell's Island

BUSINESS GOING ON AS USUAL!

Fourth week now of special demand engagement at Globe, N.Y.! And there's a big fifth coming up as NATIONAL RELEASE STARTS THIS WEEK!



WARNERS for Action!
WARNERS for the Hits!
WARNERS for Fairness!

No One Can Top Us!

with

ROSEMARY LANE · STANLEY FIELDS

Directed by WILLIAM McGANN • Screen Play by Crane Wilbur • Original Story by Crane Wilbur and Lee Katz • A First National Picture

MGM Convention Hears Dietz Talk On New Ad Plans

(*Continued from page* 1)

vention marks Metro's 15th anniversary.

It has been revealed that on Wednesday, which will be the closing day of the convention, Metro will fete about 500 exhibitors of the Chicago exchange area at a luncheon party, celebrating the company's new plans.

Dietz declared the company has set the largest appropriation for advertising in the history of the company. More than $2,500,000 will be spent, the expenditure going into every sizable city in the country.

Inaugurated Surveys

Newspapers will receive even greater emphasis than last year, Dietz said, when over $1,000,000 was spent in that medium. There also will be campaigns in magazines, direct-by-mail, billboards and trade papers. A total of 30,000,000 copies of a special publication, *The Screen Forecast*, will be distributed through theatres directly to the public.

"We have inaugurated a series of cross-question surveys to determine the proper appeals based on public sentiment," Dietz said. "While we do not pretent to have found absolute scientific basis for these surveys, due to the variability of interest depending on styles of releases, we have found out that M-G-M has 24 of the first 50 stars with drawing power. We also learned that 98 people out of 100 know that the appearance of the lion signified an M-G-M picture and also that they like the lion. We like it too."

Dietz declared that the day of wildcat publicity ballyhoo is over, and nothing designed to cheapen films or vulgarize aspects of American life should be encouraged. "Selling entertainment is a matter of providing a good information service to satisfy the already existing appetite for motion picture news."

Decries Novelty Stunts

The executive decried novelty stunts to exploit pictures today which, he said, passed out when the films emerged from the mere novelty stage. Now they are adult and worthy of serious discussion in all critical circles. "This doesn't mean that there is no room for amusing innovation or imaginative publicity."

Other members of the M-G-M promotional staff who addressed the convention today were Silas F. Seadler, William Ferguson, Herbert Morgan, of the home office, and Howard Strickling, Frank Whitbeck and Barrett Kiesling of the studio. Strickling arrived by plane today from San Francisco.

Rodgers will announce the company's scheduled product for 1939-40 tomorrow.

Irish Imports Gain

LONDON, March 19. — A total of 676,158 feet of film were imported into Eire in January, 1939. This compares with a January, 1938, total of 637,088 feet.

Executives at M-G-M Sales Meeting



N. M. SCHENCK
President
of Loew's



AL LICHTMAN
Vice-President
of Loew's



W. F. RODGERS
General Sales
Manager



HOWARD DIETZ
Advertising and
Publicity Head



SI SEADLER
Advertising
Manager



T. J. CONNORS
Eastern Sales
Manager



E. M. SAUNDERS
Western Sales
Manager



FRED QUIMBY
Short Subject
Head



A. F. CUMMINGS
Manager Exchange
Operations

Wobber Is on Coast For Product Parley

HOLLYWOOD, March 19. — Herman Wobber, 20th Century-Fox general sales manager, is scheduled to return here from San Francisco on Monday for final conferences on the 1939-'40 program.

Darryl F. Zanuck plans to attend the premiere of "The Story of Alexander Graham Bell" in San Francisco March 29. He plans to fly from there to Chicago to attend the company's sales convention opening March 30. Joseph M. Schenck, chairman of the board, also plans to attend the convention and then continue to New York.

Grainger Sets Four "Conquest" Openings

James R. Grainger, Republic president, has set four Texas premieres of "Man of Conquest" to take place within three days. He arrives today from a coast conference and a field trip. H. J. Yates arrived yesterday from the studio by plane.

The Texas openings will be at the Majestic, Houston, April 6; Aztec, San Antonio, April 7, and Majestic, Dallas, and Worth, Ft. Worth, April 8. Total of 30 key dates on "Man of Conquest" were set by Grainger during his trip.

Jersey May Show Way To Film Goers Heaven

Film houses will be soothing and restful Valhallas if Dr. William Lewis, chairman of the English department at Weequahic High School, Newark, N. J., has his way. Dr. Lewis, who is a member of the Finer Films Federation of New Jersey, and who teaches photoplay appreciation in his high school classes, recently introduced a resolution before the Federation calling for a campaign to teach audience behavior in schools and colleges. The resolution was adopted unanimously.

Apropos of that, Dr. Lewis received this gem from one of the students in his photoplay-appreciation classes:

"The day of bloodless proscription is here for him who does not follow these commandments of audience behavior: (1) He who cheers and jeers shall not be (2) He who masticates his candy or gum aloud shall chew no more (3) He who foretells the coming events shall be muzzled (4) He who disturbs his neighbor unduly by walking in and out shall walk his last mile (5) He who squirms in his seat shall squirm no longer (6) He who gossips shall be silent evermore (7) He who rattles candy paper shall be annihilated (8) She who bears excess plumage shall be decapitated (9) She who brings her whining child to the movies shall know there is no place like home (10) They who exhibit their affections publicly shall find a more suitable place."

Offer Compromise On Sunday Stage Shows During Fair

Legitimate stage producers have promised a committee from Actors' Equity that there would be no advance in prices for Sunday shows during the World's Fair if Equity waived its requirement for double pay. League of N. Y. Theatres requested the union to permit Sunday shows during the Fair because of the unusual situation presented when millions of visitors are expected in New York.

Other assurances given were that shows would play only six days, with one week-night off, and that some of the major hits might not take advantage of the waiver. It was pointed out that since hit shows are selling out during the weekdays, there would be no advantage in Sunday performances.

Sentiment in Equity has always been against Sunday shows on the ground that surveys proved that there was no demand for them. The League is arguing that the Fair presents a special set up and that a test should be made. Producers present at the meeting commented that Equity committee members had indicated more interest in the proposal than it has evoked since the law permitting such shows had been passed. It was pointed out, however, that the meeting was informal and that nothing definite could be learned until Equity's council passes on the report tomorrow. Final action must wait until the quarterly meeting at the Hotel Astor Friday.



A FRIENDLY GREETING to the entire motion picture industry! May success come to all of us!

TO OUR CUSTOMERS whose faith has enabled us to go ever forward we pledge another year of great M-G-M attractions and of sincere effort to be worthy of our name,

THE FRIENDLY COMPANY!

Now in Convention at Chicago on the 15th Anniversary of Metro-Goldwyn-Mayer

(SEE NEXT PAGE)

THAT CHICAGO BLAZE WAS JUST A BONFIRE COMPARED TO THE FIREWORKS GOING ON NOW!



250 Roaring Lions in Convention today. You'll welcome them back with open arms!

WAIT TILL YOU READ THAT 1939-40 LINE-UP TOMORROW!

Each year of M-G-M has been greater than the previous one. Now comes our 15th Anniversary Year. It will even surpass the current crop of box-office record-breakers!

$MONEY $MONEY $MONEY



"BOYS TOWN", Spencer Tracy, Mickey Rooney.

"THREE LOVES HAS NANCY", Robert Montgomery, Janet Gaynor, Franchot Tone.

"TOO HOT TO HANDLE", Clark Gable, Myrna Loy.

"STABLEMATES", Wallace Beery, Mickey Rooney.

"YOUNG DR. KILDARE", Lew Ayres, Lionel Barrymore.

"THE CITADEL", Robert Donat, Rosalind Russell.

"THE GREAT WALTZ", Luise Rainer, Fernand Gravet, Miliza Korjus.

"THE SHINING HOUR", Joan Crawford, Margaret Sullavan, Robert Young, Melvyn Douglas.

"OUT WEST WITH THE HARDYS", Mickey Rooney, Lewis Stone.

"SWEETHEARTS", Jeanette MacDonald, Nelson Eddy.

"STAND UP AND FIGHT", Wallace Beery, Robert Taylor.

"IDIOT'S DELIGHT", Norma Shearer, Clark Gable.

"FOUR GIRLS IN WHITE", Alan Marshal, Florence Rice.

"HONOLULU", Eleanor Powell, Robert Young, George Burns, Gracie Allen.

"The Adventures of HUCKLEBERRY FINN", Mickey Rooney.

"PYGMALION", Leslie Howard, Wendy Hiller.

"THE ICE FOLLIES OF 1939", Joan Crawford, James Stewart, Ice Follies Troupe.

"SERGEANT MADDEN", Wallace Beery.

"BROADWAY SERENADE", Jeanette MacDonald, Lew Ayres, Ian Hunter, Frank Morgan.

—And watch for these:
"CALLING DR. KILDARE", "LUCKY NIGHT", "MAIDEN VOYAGE", "THE HARDYS RIDE HIGH", "IT'S A WONDERFUL WORLD", "GOODBYE MR. CHIPS", "TARZAN", "RETURN OF THE THIN MAN", Etc.

THE FRIENDLY COMPANY

Substitute Trust Suit Defendants

Department of Justice has served motion papers for the substitution of James Roosevelt and other active industry officials for inactive defendants in the Government's anti-trust suit. Hearing will be held before Federal Judge William Bondy Friday but no opposition is expected as the substitutions have been agreed upon. Action was reported in MOTION PICTURE DAILY on March 15.

Initial substitution of defendants affects only United Artists, Paramount and Loew's, as these were the only companies which submitted lists of new names. However, it is learned that later substitutions will be made for some of the RKO defendants immediately following consummation of that company's reorganization. In this case, George J. Schaefer, RKO president, will be substituted for Leo Spitz, former head of the company, and the 13 new directors of reorganized RKO will be substituted for Irving Trust Co., reorganization trustee, and members of the old board of directors.

Involves Approval

This circumstance will involve, first, the approval of the 13 new RKO directors by Judge William Bondy, who has jurisdiction over the RKO reorganization, and later approval of the Government's motion to substitute those directors for the former ones, as Judge Bondy also is conducting hearings on the anti-trust suit.

The substitutions being made by motion of the Government, probably today, eliminate James Mulvey, Douglas Fairbanks, Mary Pickford, Charles Chaplin, Samuel Goldwyn, Dr. A. H. Giannini, George Schaefer and Lloyd Wright. In addition to Roosevelt, Charles Schwartz, Emanuel Silverstone and Theodore Caruso are substituted as United Artists defendants. Roosevelt replaced Mulvey on the United Artists board as Goldwyn's representative; Schwartz, an attorney for United Artists, is Chaplin's representative on the board; Silverstone is Korda's representative and Caruso is Miss Pickford's board representative.

Changes in the Paramount defendants will be Edwin L. Weisl, attorney and board member, for Charles A. McCulloch, former director, and George L. Bagnall for Henry Herzbrun. In addition, defendants H. A. Fortington and Harry O. King, former directors, are dismissed.

Henry R. Winthrop will be substituted for William A. Phillips, whom he succeeded recently on the Loew's board of directors.

Reason for the substitutions is that either injunction or consent decree, if won by the Government, would be drawn to restrain active company officers from practices complained of in the anti-trust suit.

Bondy Signs U. A. Order

Federal Judge William Bondy signed a formal order Friday permitting the Government to examine the United Artists group of defendants before trial. He struck out provisions for the immediate examination of Harry P. Muller, treasurer, and Edward C. Raftery, secretary, and directed the Government to issue separate five-day notices for each defendant it seeks to examine.

New York Review

"Three Smart Girls Grow Up"

(Universal)

Seventeen is an age at which anything might happen, as Booth Tarkington proved, and in "Three Smart Girls Grow Up" it does. Deanna Durbin sees to that amid hilarity, heart tugs and homespun philosophy thinly disguised as semi-sophistication which ought to bring happy box-office results.

Deanna Durbin fulfills the promise of having a real voice. Charles Winninger fulfills the threat of being a real father, despite an absent-mindedness that would put any professor to shame. Bruce Manning and Felix Jackson, authors of the original screenplay, prove that sequels may carry on entertainingly and in some respects outpace the original.

In addition there is Robert Cummings, tall, dark and handsome, of course, whose aplomb is pleasingly colossal and whose acting in several trying but exceedingly funny scenes is fine. William Lundigan has the necessary looks and personality.

Nan Grey and Helen Parrish are all to be desired as later editions of the other two smart girls. Nella Walker is just as satisfying as the mother grown a bit older and Ernest Cossart as the butler, with a little less to do, does that quite handsomely. The plot is an ingenious variation of the original. In this case Deanna as Penny Craig saves her sister Joan (Nan Grey) from marrying the wrong man. With one hand she throws Joan into the arms of the man she was meant for while with the other she tosses sister Kay (Helen Parrish) smack into the arms of the man from whom she had snatched Joan.

It is all done with a charmingly hilarious ease, thanks to the direction of Henry Koster. Deanna helps it along amazingly with a series of songs, the highlight of which is "The Last Rose of Summer," sung to her father at bedtime in a splendid scene. Winninger deserves more than passing mention. His father is one that will make all film fathers step fast to even approach him in sincerity and humor.

Running time, 90 minutes. "G."*

**"G" denotes general classification.*

Branch Managers of Col. Meet This Week

A meeting of Columbia branch managers will be held in New Orleans next Thursday and Friday. Abe Montague, general sales manager, and Rube Jackter, assistant sales manager, leave New York tomorrow to attend the meeting.

Others at the session will be Sam Moscow, southern district manager; Walter Anderson, Atlanta branch manager; Bob Ingram, Charlotte; Jack Underwood, Dallas; James Rogers, Memphis; Charles Gibbs, Oklahoma City, and Houston Duvall, New Orleans.

Reconsider "Scipio"

MEXICO CITY, March 19.—Confederation of Mexican Workers has consented to reconsider the all-Mexico exhibition ban it placed some months ago on "Scipio Africanus," the Italian-made picture, which it considered to be Fascist propaganda.

Report American Killed

BUDAPEST, March 19.—Peter Lissiuk, who went to Huszt, capital of Carpatho-Ukraine, with his father, Kalinick Lissiuk, head of Dinitro Film Co. of New York, was reported killed in street fighting there. They had gone to take films of new Ukrania for distribution in the United States.

Dinitro Films produce films for U. S. Ukranian houses. Mrs. Zina Lissiuk, mother of the boy, stated over the weekend that reports of his death had not yet been confirmed.

Universal to Elect All Officers Today

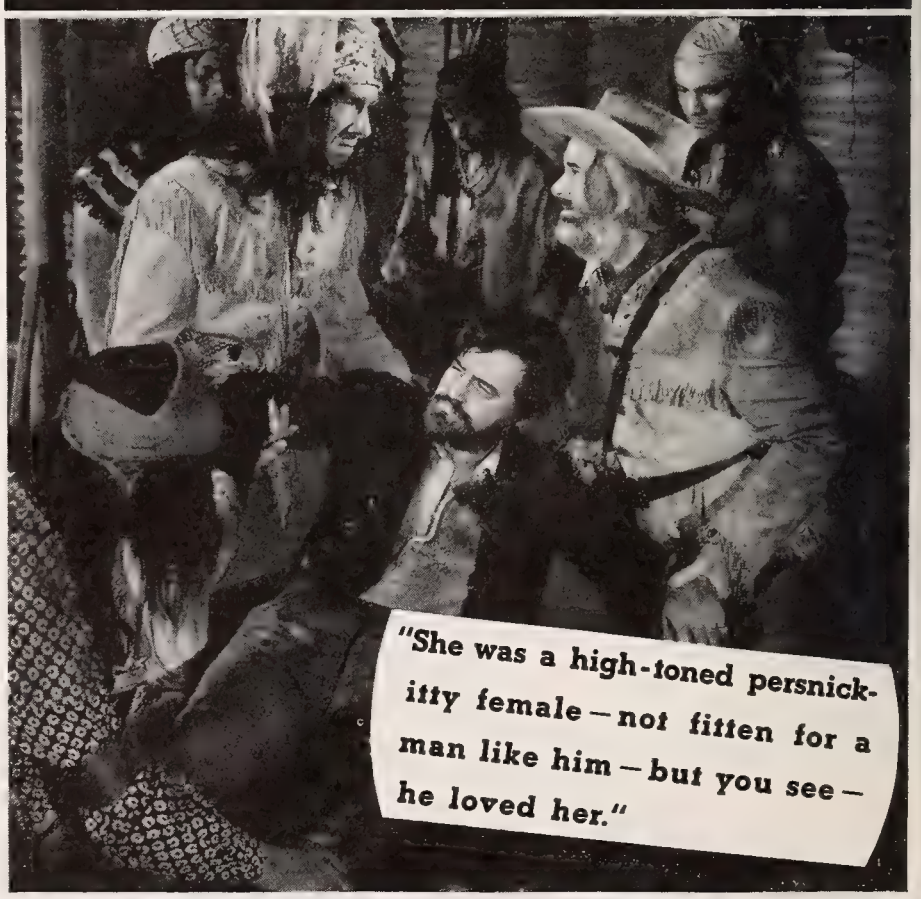
All officers of Universal Pictures will be reelected at the meeting of the company's board of directors here today. J. Cheever Cowdin, board chairman, will leave for the coast tomorrow for a visit of several days at the studio prior to starting a vacation of several weeks, which he will spend in the west.

Officers slated for reelection are, in addition to Cowdin, Nate J. Blumberg, president; W. A. Scully, Cliff Work, Matthew J. Fox, Charles D. Prutzman and J. H. Seidelman, vice presidents; Samuel Machnovitch, treasurer, and Peyton Gibson, secretary.

'Lunatic Fringe' Is Made Basis of Suit

Suit for $5,000,000 damages for libel and violation of the N. Y. Civil Rights law was filed on Friday by Gerald L. K. Smith, generally regarded as the successor to Huey P. Long, against March of Time, Inc., Time, Inc., RKO Radio Pictures, Inc., RKO Film Booking Corp., RKO Distributing Corp., The Newsreel Theatres, Inc., Rockefeller Center, Inc., Westbrook Van Voorhis, Roy K. Larsen and Jack Glenn.

Smith claims to have been libeled in a March of Time film called "The Lunatic Fringe," in which he was ridiculed, depicted as an American Hitler and described as the leader of Fascist and anti-Semitic forces.



'Oklahoma,' Lopez $27,000 Philadelphia

PHILADELPHIA, March 19.—Stage and screen combination at the Fox led the town with the big $27,000 scored by Vincent Lopez and Patricia Ellis on stage with "Oklahoma Kid" on the screen.

The Palace collected $5,000 for "The Saint Strikes Back." "Pygmalion," second run at the Earle, grossed $3,600.

"Little Princess" did $11,000 at the Boyd, "Ice Follies" $12,000 at the Stanley and "Spirit of Culver" $3,500 at the Stanton.

Estimated takings for the week ending March 16:

"King of the Turf" (U.A.)
ALDINE—(1,300) (32c-42c-57c) 8 days. Gross: $8,000. (Average, 7 days, $8,160)
"Pygmalion" (M-G-M) (2nd run)
ARCADIA—(600) (25c-42c-57c) 7 days. Gross: $3,600. (Average, $2,800)
"Little Princess" (20th Cent.)
BOYD—(2,400) (32c-42c-57c) 7 days. Gross: $11,000. (Average, $14,000)
"Made For Each Other" (U.A.) (3rd run)
EARLE — (2,000) (26c-32c-42c) 7 days. Gross: $6,500. (Average, $8,000)
"Oklahoma Kid" (Warners)
FOX—(3,000) (32c-37c-42c-57c-68c) 6 days with stage, 7 days film. Stage: Vincent Lopez band, Patricia Ellis. Gross: $27,000. (Average, $16,000)
"Wife, Husband and Friend" (20th Cent.) (2nd run)
KARLTON—(1,000) (32c-42c-57c) 7 days. Gross: $3,500. (Average, $4,000)
"Yes, My Darling Daughter" (Warners) (2nd run)
KEITH'S—(2,000) (32c-42c57c) 7 days. Gross: $3,600. (Average, $4,000)
"Saint Strikes Back" (RKO)
PALACE—(1,000) (26c-42c) 7 days. Gross: $5,000. (Average, $4,500)
"Ice Follies of 1939" (M-G-M)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $12,000. (Average, $14,000)
"Spirit of Culver" (Univ.)
STANTON—(1,700), 26c-32c-42c, 7 days. Gross: $3,500. (Average, $7,000)

'Kid' With $8,000 Leads Providence

PROVIDENCE, March 19.—"Oklahoma Kid," dualled with "Secret Service of the Air" at the Majestic, took $8,000. The Strand's twin bill, "Cafe Society" and "My Son Is a Criminal," drew $7,000. The weather was very bad.

Estimated takings for the week ending March 15-16:

"Oklahoma Kid" (W.B.)
"Secret Service of the Air" (F.N.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $8,000. (Average, $7,000)
"Cafe Society" (Para.)
"My Son Is a Criminal" (Col.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $7,000. (Average, $6,000)
"Ice Follies" (M-G-M)
"North of Shanghai" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $10,500. (Average, $11,000)
"You Can't Cheat An Honest Man" (Univ.)
"Secrets of a Nurse" (Univ.)
RKO-ALBEE — (2,239) (25c-35c-50c) 7 days, 2nd week. Gross: $3,600. (Average, $6,000)
"Alexander's Ragtime Band" (20th-Fox)
FAY'S — (1,800) (25c-35c-40c) Revival. Vaudeville. Gross: $5,600. (Average, $6,500)
"Stagecoach" (U.A.)
"Pride of the Navy" (Rep.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $3,500)
"Ballerina" (Mayer-Burstyn)
AVON—(519) (25c-35c) 3 days. Gross: $400.
"Navy Secrets" (Mono.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Ted Healey's Stooges and Vaudeville. Gross: $3,100. (Average, $3,000)

Hollywood Preview

"I'm from Missouri"

(Paramount)

HOLLYWOOD, March 19.—Constructed in such a manner as to keep Bob Burns steadily before the lens and uttering, somewhat more swiftly than is his habit, the type of gags in which he specializes, "I'm from Missouri" is dependent in unusual degree upon the personal popularity of the principal character. In areas where Bing Crosby's radio use of the comedian has built for him a wide following, showmen would appear justified in expecting exploitation focused upon his vogue to bring in the type of audience likely to like the picture best. It is a more expensively mounted but less rounded offering than "The Arkansas Traveler."

"I'm from Missouri" is derived from stories by Homer Croy and Julian Street. The screenplay by John C. Moffit and Duke Atterberry is episodic. The result of their collaboration reminds, at different times, of two stories used with great success by the late Will Rogers, "State Fair" and "A Connecticut Yankee at King Arthur's Court." Mr. Burns' performance is a deal more hurried than were those of the beloved homespun humorist or his own previous screen portrayals. Paul Jones is down as a producer and Theodore Reed as director.

Gladys George plays the wife of the leading character satisfactorily. E. E. Clive, Melville Cooper and Gene Lockhart do well in comedy assignments sharply subordinated to that of the star comedian. The plot pertains to a Missouri banker who goes to London to sell Missouri mules to the British Government and succeeds, after complications ranging from the realistic to the ridiculous, in doing so.

Running time, 77 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Trade Practice Plan Unchanged by Myers

(Continued from page 1)

of the problems which distribution executives believe to be essential to adoption of the program. Foremost among these are its basic legality and its method of handling trade practice complaints.

Distribution executives see any plan for regulation of trade practices as almost worthless without a practical, effective system for settlement of complaints. They have little or no faith in the practicability of conciliation and, at the same time, see little value in voluntary arbitration. They point out that there is no legal way in which parties to a dispute can be compelled to submit their differences to arbitration and that it is conceivable that in a large number of instances one or both parties will refuse to arbitrate.

Legality in Doubt

Also, as indicated recently by Sidney R. Kent, distributors have no assurance that the application of a regulatory program would not be a violation of the anti-trust laws and will have no such assurance unless the Department of Justice volunteers an opinion on the matter.

Indications are, however, that with the return to New York of Kent and William F. Rodgers, heads of the distributors' negotiating committee, efforts to solve these problems will be renewed.

To Appoint New Pa. Censor Board Today

HARRISBURG, March 19.—Governor James has announced that he will appoint a new board of motion picture censors tomorrow. The three retiring members, Mrs. A. Mitchell Palmer, Mrs. Hester M. Fry and Patrick A. Duffey are Democrats and may be replaced by Republicans.

'Freedom' Clicks In Omaha, $7,800

OMAHA, March 19.—"Let Freedom Ring" and "Four Girls in White" led the field with $7,800, despite cold and wet weather. "St. Louis Blues" and "Devil's Island" took $8,700.

Estimated takings for the week ending March 15-16:

"Yes, My Darling Daughter" (W.B.)
BRANDEIS—(1,800) (25c-35c-40c), 7 days. Gross: $5,700. (Average, $4,000)
"Let Freedom Ring" (M-G-M)
"Four Girls in White" (M-G-M)
OMAHA—(2,200) (25c-40c), 7 days. Gross: $7,800. (Average, $5,500)
"St. Louis Blues" (Para.)
"Devil's Island" (W.B.)
ORPHEUM—(3,000) (25c-40c), 7 days. Gross: $8,700. (Average, $7,200)

Czech Manager for 20th-Fox Now Here

L. Brandfeld, branch manager for 20th Century-Fox at Prague, head office of what was Czechoslovakia, has been in New York for the past week. He arrived here to confer with Walter J. Hutchinson, foreign head, on problems created by Nazi annexation of the Sudetenland. With complete dismemberment of the country, Brandfeld will be given a new assignment and plans are being made to bring his family here.

Bank Night Ban Bill In Wisconsin Fought

MADISON, March 19. — Protest against the bill to ban chance games was lodged before the Senate Judiciary Committee. F. C. McCarthy, representing the Bank Night Association, and Charles F. Puls, Jr., Standard Theatres Co., led the opposition. Sen. Oscar H. Paulson, author of the measure, Circuit Judge R. S. Cowie and Police Inspector Hugo Goehlen appeared for it.

'Pygmalion' Boston Lead With $35,500

BOSTON, March 19.—"Pygmalion" on a dual with "Let Us Live" at the two Loew houses, Orpheum and State, took a neat $35,500 total for the week, $19,000 and $16,500 in that order.

"You Can't Cheat an Honest Man" and "Beauty for the Asking" took second money, $16,500 at Keith Memorial.

Estimated takings for the week ending March 15:

"Navy Secrets" (Mono.)
"Homicide Bureau" (Col.)
"Kentucky" (20th-Fox) (3 days)
"Up the River" (3 days) (3rd run)
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $9,000. (Average, $9,000)
"Wife, Husband and Friend" (20th-Fox)
"King of the Underworld" (W.B.)
PARAMOUNT — (1,790) (25c-35c-40c-55c) 7 days. Gross: $8,500. (Average, $8,500)
"Wife, Husband and Friend" (20th-Fox)
"King of the Underworld" (W.B.)
FENWAY — (1,382) (25c-35c-40c-55c) 7 days. Gross: $4,500. (Average, $5,000)
"Cafe Society" (Para.)
"Pacific Liner" (RKO)
METROPOLITAN — (4,332) (25c-35c-40c-55c), 7 days. Gross: $12,000. (Average, $14,000)
"Pygmalion" (M-G-M)
"Let Us Live" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days. Gross: $19,000. (Average, $13,500)
"Pygmalion" (M-G-M)
"Let Us Live" (Col.)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days. Gross: $16,500. (Average, $12,000)
"You Can't Cheat an Honest Man" (Univ.)
"Beauty for the Asking" (RKO)
KEITH MEMORIAL — (2,790) (25c-35c-40c-55c) 7 days. Gross: $16,500. (Average, $14,000)
"Wings of the Navy" (W.B.)
"St. Louis Blues" (W.B.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days, 2nd run. Gross: $5,500. (Average, $5,500)

'Society' $11,000 Cincinnati Gross

CINCINNATI, March 19.—"Cafe Society" took $11,000 at the RKO Albee in a dull week, with rain and cold weather affecting attendance.

"Let Freedom Ring" drew $9,000 at the RKO Palace, and "The Beachcomber" took $5,000 on its second week at the RKO Shubert.

Estimated takings for the week ending March 16-18:

"Cafe Society" (Para.)
RKO ALBEE—(3,300) (35c-42c), 7 days. Gross: $11,000. (Average, $12,000)
"Let Freedom Ring" (M-G-M)
RKO PALACE—(2,700) (35c-42c), 7 days. Gross: $9,000. (Average, $10,000)
"The Beachcomber" (Para.)
RKO SHUBERT—(2,150) (35c-42c), 7 days, 2nd week. Gross: $5,000. (Average, $12,000)
"The Little Princes" (20th-Fox)
RKO CAPITOL—(2,000) (35c-42c), 7 days, 2nd week. Gross: $4,000. (Average, $6,500)
"Boy Trouble" (Para.)
RKO LYRIC—(1,400) (35c-42c), 7 days. Gross: $2,000. (Average, $6,500)
"Made for Each Other" (U.A.)
RKO GRAND—(1,200) (25c-40c), 7 days. 3rd week. Gross: $2,500. (Average, $2,750)
"White Woman" (Para.)
"The Mysterious Miss X" (Rep.)
RKO FAMILY—(1,000) (20c-30c), 4 days. Gross: $1,300. (Average, $1,450)
"Slave Ship" (20th-Fox)
"Six Gun Trail" (Big Feature Rights)
RKO FAMILY—(1,000) (20c-30c), 3 days. Gross: $1,000. (Average, $1,050)
"St. Louis Blues" (Para.)
KEITH'S—(1,500) (30c-40c) 7 days. Gross: $4,700. (Average, $6,500)

Ottawa Committee Asks CBC to Defer Radio Beer Ad Ban

OTTAWA, March 19.—The Radio Committee of the House of Commons has suggested to the Canadian Broadcasting Corp. that it defer final action on its radio beer advertising ban.

In the original motion CBC was "instructed" to defer action. The word later was changed to "urged."

Committee member Vincent Dupuis warned CBC that the issue might "explode." He said if the ban were enforced Canadian breweries would continue advertising from American stations causing Canadian broadcasters to lose needed revenue.

Arthur Slaght, another member of the committee, supported Dupuis. He declared that interference with property and civil rights was beyond Parliament's power.

Labor groups in Montreal and Quebec have announced their intention of protesting the ban. The issue will be thrashed out tomorrow at a conference between CBC officials and representatives of the protesting groups.

Second Lasky Series Seeks Singing Talent

LOS ANGELES, March 19.—Jesse Lasky has announced that the second 13-week stretch of the "Gateway to Hollywood" program, which he is conducting on CBS for the RKO Studios and Wrigley Gum Co., will seek juveniles with singing talent for the RKO lists. Lasky's announcement substantiates the statement which appeared in MOTION PICTURE DAILY recently, to the effect that the second cycle of programs would seek singing and musical talent, rather than dramatic players.

Lasky has increased the number of talent hunting units from two to three to cover more territory for new faces.

WCOA to Join NBC Network on April 30

WCOA, Pensacola, Fla., will join NBC on April 30 as a supplementary station available to advertisers using the Red and Blue networks and only in combination with WALA, Mobile, Ala. Also on the same date, WALA no longer will be individually available but only to be used in combination with WCOA. Rate for the combination will be $120 per hour.

WCOA is owned by the Pensacola Broadcasting Co., and operates on 1,340 kilocycles, 1,000 watts day, 500 watts night.

Renew Energine Show

Energine Spelling Bee, conducted by Paul Wing and heard on the Red Network Sundays from 5:30 to 6 P. M., has been renewed for another 13 weeks, according to Dick Porter of the Stack-Goble agency. Cummer Products Co. is the sponsor.

Delay Power Change

CINCINNATI, March 19.—WCKY's change in power from 10,000 to 50,000 watts will not take place for approximately 60 days, pending completion of new transmission equipment.

Radio Personals

TOMMY DORSEY and band crew will vacation in Florida for one week, from March 23 to April 5. Gene Krupa's band will substitute for Dorsey's orchestra on the latter's air show March 29 . . . Warren Jennings has joined the New York sales staff of Transamerican Broadcasting & Television . . . Lewis Allen Weiss, general manager of Don Lee network in California, is in town for several days . . . Frank Schreiber, Mutual's Chicago publicity man, arrives today . . . Ed Dukoff has added the Moth-Proof Corp. to his list of clients and will leave for Hollywood in a few days on business for the new client.

FCC Calendar

WASHINGTON, March 19.—Broadcasting applications pending before the Federal Communications Commission were today assigned for hearings, as follows:

March 21: Application of Southern Oregon Broadcasting Co. for a new 1,310-kilocycle, 100-watt station at Grants Pass, Ore.

March 22: Applications of Copper Country Broadcasting Co. for a new 1,370-kilocycle station at Hancock, Mich., with 100 watts night, 250 watts day, requesting facilities of WHDF in part, and WHDF, Calumet, Mich., for extension of time from specified hours to unlimited.

April 17: Application of WSUI, Iowa City, Ia., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

April 24: Application of WQDM, St. Albans, Vt., for extension of time from day to local sunset at Cleveland.

May 10: Applications of KOH, Reno, Nev., for change of frequency from 1,380 to 630 kilocycles and increase of power from 500 to 1,000 watts, and KOY, Phoenix, Ariz., for change of frequency from 1,300 to 550 kilocycles.

Hearings Ordered

Application for a change of frequency from 1,500 to 570 kilocycles and increase of power from 100 to 1,000 watts has been filed by KUTA, Salt Lake City.

The commission announced that hearings had been ordered on the applications of the Brown County Broadcasting Co. for a 990-kilocycle, 1,000-watt daytime station at Brownsville, Tex., and WNBC, New Britain, Conn., for increase of night power from 250 to 1,000 watts.

Hearings were also ordered on the applications of WCBA and WSAN, Allentown, Pa., for voluntary assignment of licenses to the Lehigh Valley Broadcasting Co., to determine whether granting of the applications to consolidate the stations would result in or tend toward a monopoly in broadcasting in Allentown. Hearings are to be held in the Pennsylvania city, if the commission's budget permits.

CBS Closes Deals For 2 New Series

A number of renewals and contracts for two new series were closed at CBS over the weekend.

Household Finance Co., sponsoring Edgar Guest's series, "It Can Be Done," has been renewed for one year. Series is broadcast over a web of 30 stations on Wednesdays from 10:30 to 11 P. M. The effective date is April 30. Batten, Barton, Durstine & Osborn handles the account.

"Grand Central Sketches," broadcast over a 50 station hookup on Fridays from 10 to 10:30 P. M., and sponsored by the Lambert Co., has been extended for another year, effective April 28. Lambert & Feasley placed the extension.

Program plans for the forthcoming new series for the George Hormell Co. have been completed. Show will be titled "Musical Romance," with Eddie Dunstedter, and starting April 3, the series will be broadcast three times weekly, Mondays, Wednesdays and Fridays from 11 to 11:15 A. M. over a 22-station hookup. Program will originate in the studios of KNX, Hollywood. The contract, for one year, was placed by Batten, Barton, Durstine & Osborn.

Brown & Williamson Tobacco Co. has signed for a new series which will be heard over a seven-station hookup on the CBS Pacific network. Program will be a news and sports comment series, with John Hughes officiating. Russel M. Seeds & Co. is the agency.

Juilliard Transfer To CBS Studios Set

CBS has completed plans for the transformation into radio studios of the Juilliard Musical Foundation Building, recently acquired by the network and located across the street from the present headquarters at 485 Madison Ave.

Present plans contemplate two studios which will seat more than 300 persons each, and several smaller studios. The building will have dressing rooms, lounges and similar facilities.

Bill in Mo. Relieves Station of Liability

JEFFERSON CITY, Mo., March 19.—A bill in the Senate here would relieve the owner of a broadcasting station of liability for defamatory statements made by political candidates. The bill was referred to the Judiciary Committee.

New Dance Show on CBS

A gala dance band program, as yet untitled, will succeed "This Is New York," which is vacating the 8 to 9 P. M. Sunday period on CBS. The show will feature dance bands which record for the American Record Corp., the CBS affiliate. CBS is now seeking to obtain Jimmie Lunceford's band for the programs of March 26, April 2, 9 and 16.

Wood Is Signed

Barry Wood has been re-signed to one year contracts by the CBS artists' bureau and by the Brunswick Recording Co.

80,000 Visitors on NBC Television Tour

A total of 80,000 persons have visited Radio City to witness the television tour, at an individual price of 40 cents, since the inception of the tour in September last year.

With the crowds flocking to New York for the World's Fair, NBC is looking forward to doing a bonanza business in the television and studio tours.

Set Commercial Rate For Western Talent

SAN FRANCISCO, March 19.—New commercial scale for radio performers appearing on regional networks in the 11 western states was agreed upon here in discussions between Emily Holt, executive secretary of the A.F.R.A. and executives of San Francisco and Los Angeles chapters of A.F.R.A. Proposed new rates were reported to be about one-third less than coast-to-coast rates, which is expected to work to the advantage of western radio artists, if the scale is ratified in New York. The difference in rates is expected to make western networks the logical testing ground for new shows.

Richfield Renews WOR News Show

Richfield Oil has renewed for another seven weeks the WOR Transradio news broadcasts which Frank Singiser handles. Sherman K. Ellis placed the contract. Renewed for an indefinite period are the Transradio programs of the Pinex Co., on which the readings are by Vincent Connolly.

"Buck Rogers," transcribed series, starts over WOR on May 1, a three times weekly schedule, through the Biow agency.

RCA Promotes Ewald

George Ewald, former district manager in Dallas, has been named sales manager for the expanded Sound Products Section of the Engineering Products Division of RCA Manufacturing Co. W. L. Rothenberger remains as manager of the enlarged department. The appointment was made by James L. Schwank, division manager.

'Plantation' Expanded

"Plantation Party," heard on the Blue network and sponsored by the Brown and Williamson Tobacco Corp., on Fridays from 9 to 9:30 P. M., has increased the network by 13 stations, effective this week. The stations are KMA , WTAR, WOOD, WBRE, WPTF, WFBC, WIS, KIDO, KGIR, KPFA, KGHL, KSEI and KTFI.

Barrett Manages KOMA

OKLAHOMA CITY, March 19.—Neal Barrett, former manager of KOMA and more recently vice-president of the Texas State network, has been appointed manager of KOMA by T. T. Griffin, new owner of the station. Griffin has completed the deal for ownership of the station at a price of $315,000.

'Honest Man' Pulls $6,300 Seattle Gross

SEATTLE, March 19.—"You Can't Cheat an Honest Man" and "Fisherman's Wharf" led with $6,300 at the Orpheum in a generally slow week of rainy weather. "Pygmalion" took $4,400 in its second week at the Music Box, and "Let Freedom Ring" and "Four Girls in White" drew $7,000 at the Fifth Avenue.

Estimated takings for the week ending March 17:

"Stagecoach" (U.A.)
"Arrest Bulldog Drummond" (Para.)
BLUE MOUSE—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $3,100. (Average, $4,000)
"Let Freedom Ring" (M-G-M)
"Four Girls in White" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $7,000. (Average, $7,000)
"Blondie Meets the Boss" (Col.)
"North of Shanghai" (Col.)
LIBERTY — (1,800) (20c-30c-40c-55c) 7 days. Gross: $3,400. (Average, $5,000)
"Pygmalion" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 2nd week. Gross: $4,400. (Average, $4,000)
"You Can't Cheat An Honest Man" (Univ.)
"Fisherman's Wharf" (RKO)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $6,300. (Average, $6,000)
"Secrets of a Woman Doctor" (Repub.)
"Tom Sawyer, Detective" (Para.)
PALOMAR — (1,500) (15c-25c-35c-40c) 7 days. Vaudeville headed by Stanley Brothers. Gross: $4,600. (Average, $5,000)
"Cafe Society" (Para.)
"Persons in Hiding" (Para.)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $5,900. (Average, $6,000)

Oklahoma Censor Bill Is Sent to Committee

OKLAHOMA CITY, March 19.—The bill creating a State Board of Film Inspection has been sent to committee. The board would consist of three members appointed by the governor. Under the measure distributors would be charged a fee of $3 for each reel of film to be censored which does not exceed 1,000 lineal feet and $3 for each additional 1,000 feet. The money would pay the salaries and operating expenses of the board.

Oklahoma Exhibitors Will Get Tax Share

OKLAHOMA CITY, March 19.—Theatre owners will share in the $300,000 to be paid for collecting state sales taxes after a new bill which is being pushed rapidly through the legislature becomes law. Exhibitors will be classed under the head of merchants who may retain three per cent of the cash collected.

Bill in Rhode Island Amends Sunday Law

PROVIDENCE, March 19.—On the last day for the introduction of new bills in the Rhode Island General Assembly, Senator Henry R. Di Mascolo, introduced an amendment to the Sunday film law, changing the opening hour from 2 P. M. to 1 P. M.

Killed in Plane Crash

OCALA, Fla., March 19.—Elbert Thompson, manager of the San Marco Theatre, in Jacksonville, was killed in an airplane crash here.

New York Previews

"Rough Riders Round-Up"

(Republic)

"Rough Riders Round-Up" is a well balanced roundup of hard riding, gun fights and laughs. Mary Hart adds a delightful feminine touch as the pert, spoiled daughter of a mine owner. It is a western with plenty of pace and should please any action film audience.

After the Spanish-American war, a troop of Rough Riders headed by Roy Rogers and Raymond Hatton decide to join the Border Patrol in Arizona. Their efforts to capture Arizona Jack (William Pawley) are thwarted by border regulations which prevent the patrol from pursuing their quarry into Mexico. However, Rogers and Hatton are suspended from duty after a melee and they are free to cross the border.

Mary is captured during a holdup by Arizona Jack, and Roy, who sets out to rescue her, is also trapped by the bandits. When the former Rough Riders learn of the danger, they disregard orders and cross the border to make the capture. The film is enlivened by several stirring brawls, one of which takes place over a box of dynamite.

Rogers contributes several songs and Hatton provides some comedy on a fast stepping mule. Associate producer Joseph Kane directed.

Running time, 58 minutes. "G."* ED GREIF

**"G" denotes general classification.*

"The Puritan"

(Lenauer International)

The sordidness of incident and detailed exposition of the commission of a crime make this French production of the Liam O'Flaherty story unsuitable for general exhibition. A very limited number of theatres specializing in foreign film bookings and having a strictly adult patronage might, with discreet advertising, present this picture without doing serious harm either to themselves or to the industry as a whole.

However, it requires no great imagination to foresee what encouragement of censorship would follow any widespread exhibition of this picture.

The story centers about a murder committed by a zealot in the belief that his crime was necessary to the salvation of certain individuals. The fanatic's reactions and the detection of the crime by the authorities comprise the greater part of the story and picture. The camera follows the half-crazed, then drunken fugitive, from street walker to street walker and brothel to brothel for what must be half the length of the film. It is psychopathic rather than psychological drama and has about the same elements of entertainment as may be found through a visit to a Criminal Courts building.

Action, direction, photography and English subtitles are all commendable. Jean-Louis Barrault, as the fanatic, and Pierre Fresnay as the police inspector, give particularly fine characterizations. Incidental roles are well handled, althought the French dialogue and the distinctly French mannerisms of the cast are a little confusing in characters bearing such names as "Kelly," "O'Leary," "Burke" and so on.

Running time, 85 minutes. "A."* SHERWIN A. KANE

**"A" denotes adult classification.*

Has New Sound Channel

Erpi, in collaboration with the sound department of M-G-M, has designed a new portable sound recording channel for location work which is claimed to weigh 84 per cent less than equipment now in use.

Mexican Extras Organize

MEXICO CITY, March 19.—Mexican motion picture extras, numbering 3,480, have organized their first national union. These players average $2.50 a day salary, of which they contribute five per cent for the support of the union.

Club Dance March 25

OMAHA, March 19.—Annual spring dinner-dance of Variety Club of Omaha, Tent No. 16, will be held March 25, at Hotel Fontenelle.

Study Milwaukee's Theatre Clock Bill

MILWAUKEE, March 19.—Common Council Judiciary Committee has referred to the special citizens' committee named a number of months ago to study the health features of double bills, the proposal by Alderman John E. Kalupa that theatres install illuminated clocks.

R. A. Tesch, business manager for the Independent Theatres Protective Association of Wisconsin, appeared against the proposal, maintaining it would be an expense to exhibitors to install the clocks and that they would distract attention from the screen. Alderman Kalupa's reason for introducing the ordinance was the contention that children remain too long in theatres because they do not know what time it is.

'Pygmalion' Is Denver's Best With $11,000

DENVER, March 19.—"Pygmalion" and "Boy Slaves" at the Orpheum led the parade here, with a gross of $11,000. A reissue, "The Eagle and the Hawk," was strong at the Denham, with $8,400. "They Made Me a Criminal" and "Nancy Drew," at the Paramount, took $4,000.

Estimated takings for the week ending March 15:

"Wife, Husband and Friend" (20th-Fox)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $3,000. (Average, $3,500)
"Fast and Loose" (M-G-M)
"Four Girls in White" (M-G-M)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $2,000. (Average, $2,500)
"The Eagle and the Hawk" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $8,400. (Average, $6,000)
"Wings of the Navy" (W. B.)
DENVER—(2,525) (25c-35c-50c), 7 days. Gross: $8,000. (Average, $8,500)
"Pygmalion" (M-G-M)
"Boy Slaves" (RKO)
ORPHEUM—(2,600) (25c-35c-40c), 7 days. Gross: $11,000. (Average, $8,000)
"They Made Me a Criminal" (W. B.)
"Nancy Drew" (Univ.)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)
"Stagecoach" (U. A.)
"Mr. Moto's Last Warning" (20th-Fox)
RIALTO—(878) (25c-40c), 7 days. "Stagecoach," 3rd week. Gross: $3,000. (Average, $1,750)

Duchin Band and "Votes" $19,500 Cleveland Draw

CLEVELAND, March 19.—Eddie Duchin was popular at the RKO Palace, where "The Great Man Votes" was on the screen, taking $19,500.

"Stagecoach" made a good showing at Loew's State with $14,000. The picture moves over to Loew's Stillman for a continued run. "Fast and Loose" at Loew's Stillman took $4,000. "Wings of the Navy" came through with $11,000 at Warners' Hippodrome.

Estimated takings for the week ending March 9:

"Gunga Din" (RKO)
ALLEN—(3,000) (30c-35c-42c) 7 days, 3rd week. Gross: $5,500. (Average, $4,000)
"Wings of the Navy" (W. B.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $11,000. Average, $12,000)
"The Great Man Votes" (RKO)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Eddie Duchin and Orchestra. Gross: $19,500. (Average, $15,000)
"Stagecoach" (U. A.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $14,000. (Average, $13,000)
"Fast and Loose" (M-G-M)
LOEW'S STILLMAN—(1,900) (30c-35c-42c, 7 days. Gross: $4,000. (Average, $4,000)
"Two Hearts in Waltz Time" (Bruno Wicker)
CITY—(485) (35c-42c) 7 days. Gross: $1,000. (Average, $1,200)

Craig and Dawes Due

Sir Gordon Craig, general manager of British Movietone News, and R. Sutton Dawes, director of sales for 20th Century-Fox in Great Britain, are due March 23 on the *Queen Mary*. They will attend the company's sales convention.

It's Effective
It's Cheap!



This unique advertising medium stands alone in many ways . . .

It can be heard as well as seen . . .

It entertains while it's selling . . .

It appeals to a hundred percent audience, reaching every person it is aimed at . . .

And it is the only medium of advertising that you can absolutely control so that it reaches your prospects when you have them all together—in a buying mood.

A rare investment . . . a unique investment which sells seats at lowest cost per seat sold of any medium in the field.

NATIONAL Screen SERVICE

...Prize Baby of the Industry!

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DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 54 NEW YORK, TUESDAY, MARCH 21, 1939 TEN CENTS

M-G-M Plans 52 Features For 1939-'40

Rodgers Gives Program at Chicago Convention

CHICAGO, March 20.—William F. Rodgers, M-G-M general sales manager, today, the second day of the company's annual sales convention at the Palmer House, announces that the company will have 52 features for 1939-'40. Titles of 36 of the 52 were disclosed.

There also will be three films each in the "Judge Hardy Family" and "Dr. Kildare" series, and the remaining 10 will be chosen from a list of 19 properties which were also announced.

General convention sessions started today and will end tomorrow. A high-

(*Continued on page 7*)

James Names Only Single Pa. Censor

HARRISBURG, Pa., March 20.—Mrs. Edna R. Caroll, vice-chairman of the Republican City Committee, Philadelphia, has been appointed chairman of the state censor board by Gov. Arthur H. James. The state had been without a censor board for about a week. The chairman's salary is $4,800 annually.

Governor James said the other members will be named later, one about May 1 and the third about June 1. In explanation, he said the retiring board left a financial deficiency, and there is not sufficient money to name all three at once.

'Dodge City' on NBC

HOLLYWOOD, March 20.—Warners today made a tieup with NBC for coverage of the opening of "Dodge City" at Dodge City, Kans., on April 1. Ninety stations will carry the program.

Dismiss 'Time' Suit

Justice Ferdinand Pecora in Supreme Court Friday dismissed the $250,000 suit of Lou Goldberg against Time, Inc. Goldberg claimed he had originated the idea for the screen March of Time.

'U' Signs Yohalem

HOLLYWOOD, March 20.—Universal today signed George Yohalem as associate producer on a term contract. Yohalem had been assistant to William Anthony Maguire at M-G-M.

Like Father—

Hollywood, March 20.—Years ago, Jesse Lasky, Samuel Goldwyn and C. B. DeMille were partners in the film business.

Some time ago, Lasky's son, Jesse, Jr., joined DeMille's writing staff.

Today, his other boy, Bill, joined Goldwyn Productions as office boy for Sherman Todd, head cutter.

Silverstone Nearly Ready With U. A. 1939-'40 Program

HOLLYWOOD, March 20.—Arrangements for the 1939-'40 product announcement of United Artists are nearing completion, according to Murray Silverstone, company head. Silverstone will leave for New York over the weekend. Attorney Charles Schwartz, who accompanied Silverstone here, leaves for the east tomorrow.

United Artists receives an extension of time to April 21 in which to file an answer to Samuel Goldwyn's action to have a non-exclusive releasing contract with the company substituted for his present exclusive agreement as a result of the transfer of the suit from the State Supreme Court here to the Federal District Court.

Order authorizing the transfer was signed by Justice Charles B. Mc-

(*Continued on page 10*)

FRENCH BILL WILL HALVE U.S. IMPORTS

Fight Seen on Measure Slated for Discussion in Two Weeks

By PIERRE AUTRE

PARIS, March 20.—New bill for regulation of French distribution and exhibition, now before the Chamber of Deputies, may be reached for discussion within two weeks after Parliament reconvenes on March 28. Discussion of the bill is expected to be spirited, as it will involve many important and opposing interests.

American film representatives here declare that the bill, which would give dictatorial powers over the importation and distribution of foreign pictures in France to its author, Jean Zay, Minister of National Education, would cut the imports of American

(*Continued on page 10*)

Court Denies Injunction in IATSE Fight

HOLLYWOOD, March 20.—Denying an injunction against I.A.T.S.E. international officers Federal Judge Paul J. McCormick today dismissed the action brought by officers of studio technicians Local 37.

In his decision Judge McCormick ruled that Federal Courts were prohibited from hearing cases involving labor disputes.

A. Brigham Rose, attorney for officers of the Local told the court that International had taken over affairs of the union in order to force a new two per cent assessment.

Rose said that he would seek relief in State courts and would press the case before the N. L. R. B.

Fifteen fights, some approaching riot proportions marked the mass meeting yesterday in Hollywood Stadium called by Local 37.

An affidavit was filed today in Federal Court by Ed Heim, deposed financial secretary of the local. It charged that no accounting was ever made of more than $1,000,000 collected by International in two per cent salary assessments.

K-A-O Reports Net Profit of $996,995

Keith-Albee-Orpheum Corp. and subsidiaries report a net profit for the year 1938 of $996,995, after all charges. Result compares with profit of $1,300,887 for the preceding year.

B. F. Keith Corp. and subsidiaries report a net profit for 1938 of $752,011 after all charges, as compared with $1,042,628 for 1937.

The K-A-O report shows income for 1938 of $14,928,887, of which $13,-171,210 was from theatre admissions. Expenses amounted to $12,638,819. Consolidated balance sheet shows cash of $2,832,777; capital assets of $20,-761,051, and investments in affiliated and other companies of $2,446,830. Total assets are listed at $26,614,285. Current liabilities are listed at $1,-142,503.

Employes of RKO theatres of which KAO is the chief theatre subsidiary held their annual party at the Hotel Astor, last night. Executives of all departments, headed by John O'Connor, were in attendance.

3-Year Rivoli Record Smashed by Durbin

"Three Smart Girls Grow Up," the Deanna Durbin film at the Rivoli, is drawing the biggest business that house has had in three years. The St. Patrick's Day parade on Friday affected the opening day's gross somewhat, but in spite of this the film is headed for a first week's gross of $40,000-$45,000.

New NBC Program Policies Aims to Protect Children

Copies of the new NBC program policies—the first to be issued since the winter of 1934—have been mailed to a select list of agency and broadcasting executives, network clients, and members of Government bodies dealing with broadcasting, for private inspection and comment. Opinions expressed by these groups will be collated, and following revisions, the new policies will be issued publicly, possibly by early summer.

The document comprises 50 mimeographed pages, and is basically the same as the previous code of standards, excepting in the children's program division which, it is known, will be more stringently supervised than in the past. Other divisions covered include station and public relations, the various types of program permitted on the air, general program standards, the do's and don't's for advertising agencies, etc.

Scripts on Child Programs

Children's programs, under the new provisions, will be presented in scripts that must at all times reflect respect for law and order and adult authority, and themes, by network compulsion, will stress good morals and clean living, fair play and honorable behavior. Other taboos in children's programs include no references to torture, horror, use of the supernatural, kidnapping, vulgarity. Most important provision, however, is the elimination of "cliff hanging"

(*Continued on page 10*)

Purely Personal

NORMAN H. MORAY, head of Warners shorts sales, left New York Saturday for the coast. He will take part in conferences on the proposed shift of shorts production from New York to the coast.

•

J. CHEEVER COWDIN, Universal board chairman, leaves for the coast by plane today. He will spend a week or 10 days at the studio, then begin a vacation of indefinite duration in the west.

•

HARRY HUNTER, Paramount manager for Australia, did not arrive on the *Monterey,* which docked at San Pedro yesterday, as originally scheduled, but is coming by the next boat.

•

KATHLEEN MUNGIVEN, Quigley Publishing Co. receptionist, has become engaged to WILLIAM O'CONNELL, employed in the New York City Park Department.

•

CHARLES L. CASANAVE, vice-president and ganeral manager of National Screen Accessories, is in Chicago to address the M-G-M sales convention on advertising.

•

A. E. MEYER, general sales manager of International Projector, is visiting branches in the south and southwest. He will be gone about two weeks.

•

FRED BEETSON, executive vice-president of the Association of Motion Picture Producers, has returned to Hollywood from a month's vacation.

•

HARRY BUXBAUM, JR., son of the 20th Century-Fox New York branch manager, has flown to the coast from Miami to look over production.

•

DOROTHY LAMOUR and EDGAR BERGEN left for Hollywood yesterday by train. DON AMECHE flew back after his broadcast Sunday night.

•

F. J. A. MCCARTHY, Universal eastern sales manager, is on a West Indies cruise from which he will return early in April.

•

ROBERT GILLHAM, Paramount advertising and publicity director, is expected back in New York in the next week or two.

•

PANDRO BERMAN, RKO studio head, postponed his departure for the coast last weekend but leaves today by train.

•

MILT HOWE of 20th Century-Fox coast publicity department has returned to the studio from New York.

•

JOE PINCUS, 20th Century-Fox talent scout has arrived from a Miami vacation following a trip to the studio.

•

C. E. K. MEES, vice-president of Eastman Kodak, has been named a fellow of the British Royal Society.

•

WARD MOREHOUSE, theatrical columnist, is mourning the loss of his father who died in Georgia Sunday.

•

NICHOLAS M. SCHENCK, president of Loew's, is due this afternoon from Florida.

Insiders' Outlook

By SAM SHAIN

PERHAPS you might be interested to know what some of the lads around the country are doing in the way of exploiting new pictures. We looked over the rims of our tortoise shells, the other day, and caught a bird's eye view of some of the things being done.

In Minneapolis, for instance, we found the boys extending themselves in many ways.

At the State, to boost "Cafe Society," the management distributed 1,000 shamrocks on cards in connection with the St. Patrick's Day opening of the picture. There were 25 24-sheets spotted around the town and broadcasts were arranged over WDGY.

At the Century in promoting "The Beachcomber," there was a contest to select "doubles" for Charles Laughton and Elsa Lanchester. This was conducted in cooperation with The Masquers, University of Minnesota drama organization. There were cash prizes and a few tickets given away. Additionally four men were kept busy stamping ads on the picture on the backs of checks in about 40 restaurants. Charles Zinn, the manager, wrote letters to about 500 citizens on the picture, and restaurants and soda fountains around the city were persuaded to feature "Beachcomber" sundaes and sandwiches.

▼

To exploit "The Duke of West Point" at the Gopher, ads were put in high school publications and also in the *Minnesota Daily* at the University of Minnesota. The Minneapolis hockey team, the University of Minnesota hockey team, high school hockey coaches and members of the park board who handle the public skating rinks were invited to a preview. There were about 40 posters put up at the University of Minnesota. Employes of the theatre sent out several hundred letters to friends and there were tieups with Western Union and several jewelry stores on Bulova watches.

In connection with "Trade Winds" at the Orpheum, the boys went after business by tieups with beauty parlors and planted a pictorial comparison in the *Minneapolis Star* between Heddy LaMarr and Joan Bennett.

▼ ▼

In Washington: Last week at the Palace a campaign on "Made for Each Other" was built around the mother-in-law angle and a contest tieup was made with three papers for the best letter describing a mother-in-law. There were three prizes distributed.

Otherwise things were slow in Washington.

▼ ▼

In Cleveland: Warners' Hippodrome had spot radio announcements over WGAR in connection with "The Oklahoma Kid," besides one-column three-inch teaser advertising for two days in advance of the opening in all the local newspapers, window cards and street car hangers.

Nat Holt at the RKO Palace for "Wife, Husband and Friend" also used spot radio announcements.

At Loew's State, Milton Harris, Everett Steinbuck and Col. Harry E. Long gave away a pair of silver skates autographed by Joan Crawford as one of the prizes in the local skating carnival at the Arena, in connection with the showing of "Ice Follies of 1939."

At Loew's Stillman Jack Lykes had a little colored boy in costume wearing advertising bands, parading the downtown streets in connection with "The St. Louis Blues," while in the St. Patrick's Day parade there was a little white boy with a banner advertising the picture.

▼ ▼

In Providence: "Prison Without Bars" opened with a heavy advance campaign. Harry McDonald had local educational, social welfare, religious and civic leaders in to see the photoplay at a special midnight preview. Additionally there was some broadcasting arranged, and there was heavy poster distribution and foreign language paper tieups.

They pulled a special reserved seat preview performance in connection with "Pygmalion" at Loew's State where Eddie McBrides operates, the first time that reserved seats had been sold locally for a motion picture, and it helped spread the news about the film.

▼ ▼

In Pittsburgh: Department stores and radio were the chief aids to newspaper space for current pictures.

In connection with "The Little Princess" at the Fulton, there were 25,000 heralds distributed by the Kaufman store, with statements advertising Shirley Temple apparel.

At the Stanley for "The Oklahoma Kid" there was a window tieup in the 5 and 10c stores on Westmore makeup, besides a couple of radio plugs daily and and about 35 billboards.

At Loew's Penn, Charlie Kurzman held a preview for betrothed couples in connection with "Made for Each Other."

Funeral of Goodman To Be Held Tomorrow

Funeral services for Maurice Goodman, counsel for Trans-Lux Corp. and former vice-president and general counsel for RKO, will be held at the Temple Emanu-El tomorrow. Goodman died Sunday at the Hotel Pierre at the age of 58.

He was associated with vaudeville, films and the theatre during his entire professional career. He became general counsel for the B. F. Keith vaudeville circuit in 1906 and was a factor in its subsequent mergers and expansions. In 1928, he became vice-president and general counsel for Keith-Albee-Orpheum and subsequently for RKO. After resigning as vice-president of RKO in 1929, he continued on the board of directors until it was reorganized. In 1931, he was appointed chairman of the finance committee for Columbia, but resigned after a few years. He became a member of a stockholders' protective committee of RKO in 1933. He is survived by his widow, Adele, a daughter, Susan, two sons, Maurice, Jr., and Walter, and a sister, Minnie.

Hold Funeral Rites For Adler, Publicist

Funeral services were held Sunday for Bert Adler at the Riverside Memorial Chapel, with interment at the Riverside Cemetery, Rochelle Park, N. J. Adler, 48, died Saturday of pneumonia at Mount Sinai Hospital.

Although he was doing publicity work for city departments since 1936, and was secretary to the Department of Public Works at the time of his death, prior to that time Adler was active in the film industry both as publicity representative and independent producer. He was executive secretary of the Cinema Club, press representative of Thanhouser Co., exploitation director of Realart Pictures, and through his own publicity agency, represented Warners, United Artists, 20th Century-Fox, Fanchon & Marco, Universal and other large producers. He frequently headed the film section of Red Cross drives and acted as publicity chairman of the Stage & Screen Division for Franklin D. Roosevelt in 1932.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

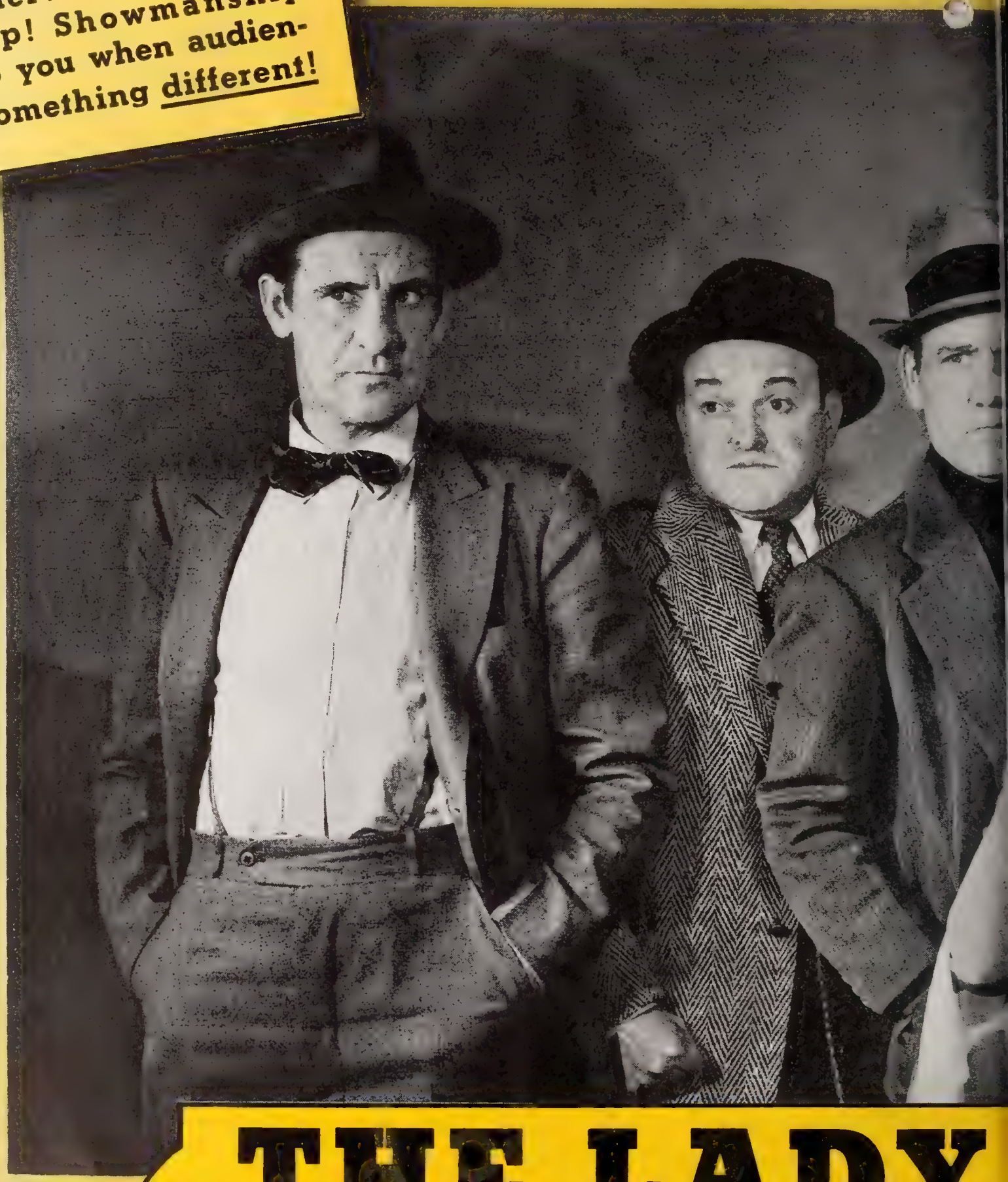
CUT YOURSELF A PIECE OF CAKE!

Read product announcement in the papers!



A LAUGH SHOW THAT LIVES UP TO A SOCK BOX-OFFICE TITLE!

A society matron muscles in on the underworld — just to clean it up! Showmanship brings it to you when audiences want something <u>different!</u>



THE LADY

FAY BAINTER

LEE BOWMAN · HENRY

SCREEN PLAY BY RICHARD MAIBAUM AND GERTRUDE PURCELL

DIRECTED BY BEN STOLOFF



AND **THE MOB**

IDA LUPINO

RMETTA · WARREN HYMER

A COLUMBIA PICTURE

'Criminal' in Minneapolis Does $15,000

MINNEAPOLIS, March 20.—Outstanding business getter was "They Made Me a Criminal" at the Orpheum, in conjunction with the Jan Garber Orchestra, getting $15,000.

In St. Paul business was about average, with "Ice Follies" doing best at the Paramount with a take of $4,500.

Estimated takings for the week ending March 16:

Minneapolis:

"Spy Hunt" (Col.)
"Smiling Along" (20th-Fox)
"Boy Slaves" (RKO)
"Pardon Our Nerve" (20th-Fox)
ASTER—(900) (15c-25c) Split dual bills. Gross: $1,600. (Average, $1,500)

"Pygmalion" (M-G-M)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $4,500. (Average, $4,000)

"Blondie Meets the Boss" (Col.)
GOPHER—(990) (25c) 7 days. Gross: $3,200. (Average, $2,500)

"They Made Me a Criminal" (W. B.)
ORPHEUM—(2,900) (35c-55c) 7 days with Jan Garber's Orchestra. Gross: $15,000. (Average, $4,800)

"Ice Follies of 1939" (M-G-M)
STATE—(2,300) (25c-40c) 7 days. Gross: $6,000. (Average, $4,400)

"A Man to Remember" (RKO)
WORLD—(400) (25c-55c) 7 days, 8th week. Gross: $1,150. (Average, $1,400)

St. Paul:

"The Young in Heart" (U. A.)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $2,800. (Average, $3,200)

"Ice Follies of 1939" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $4,500. (Average, $4,000)

"The Duke of West Point" (U. A.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,800. (Average, $1,800)

"Burn 'Em Up O'Connor" (M-G-M)
TOWER—(1,000) (25c) 7 days. Gross: $1,400. (Average, $1,500)

"A Man to Remember" (RKO)
WORLD—(400) (25c-35c) 7 days. Gross: $900. (Average, $700)

'Huckleberry' in Kansas City Hits Excellent $13,300

KANSAS CITY, March 20.—"Huckleberry Finn" topped the town with $13,300, with "Whispering Enemies" at Loew's Midland. "The Little Princess" did a combined business at the Fox Tower and Uptown of $7,500, and was held at the Uptown. Weather was normal.

Estimated takings for the week ending March 15-16:

"Devil's Island" (W. B.)
"Off the Record" (W. B.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $5,200. (Average, $7,000)

"Down in Arkansaw" (Rep.)
"Inside Story" (20th-Fox)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,500. (Average, $3,000)

"Huckleberry Finn" (M-G-M)
"Whispering Enemies" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $13,300. (Average, $11,500)

"Yes, My Darling Daughter" (W. B.)
ORPHEUM—(1,500) (25c-40c) 7 days, 2nd week. Gross: $3,700. (Average, $5,000)

"The Little Princess" (20th-Fox)
"Fighting Thorobreds" (Rep.)
FOX TOWER—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $5,000)

"The Little Princess" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $3,000. (Average, $3,500)

Hollywood Previews

"Almost a Gentleman"

(RKO)

HOLLYWOOD, March 20.—The world's people are of two kinds with reference to dogs. Some like them and some don't. This, like all dog pictures, is for those who do. Those who do can't help liking Ace, the German Shepherd, or, if you prefer, police dog, responsible for the story of and the entertainment in this picture. He is, if your reporter may speak for those of the world's people who like dogs, a fine specimen of canine intelligence.

James Ellison, Helen Wood, Robert Kent, June Clayworth, Robert Warwick, Leonard Penn and several other two-legged actors appear in the picture. They act out a small-town episode which includes such necessary items as romance, imprisonment, death and the high cost of living on the wrong side of the tracks, but the only sequences of entertainment consequence are those which pertain to the dog. One of these, a court room passage in which Ellison pleads to the jury the case of the mongrel dog *per se,* is extremely effective.

Written by Harold Shumate and directed by Leslie Goodwins for producer Cliff Reid, the picture is primarily a setting for the dog. Unlike most dog pictures, this one asks the animal for no super-phenomenal feats of cunning. It does display his obedience to training—in short, his show ring accomplishments, impressively. He is a splendid dog.

Running time, 64 minutes. "G"* ROSCOE WILLIAMS

"Heritage of the Desert"

(Sherman-Paramount)

HOLLYWOOD, March 20.—The appeal of the great outdoors, plus romance and action, are the essentials of "Heritage of the Desert," produced by Harry Sherman for Paramount release. The Zane Grey story has been altered considerably, but the primary factors which made it one of the most widely read stories of the west remain.

The Sherman version of "Heritage of the Desert" is pictorially beautiful, a tribute to the production mounting of Associate Producer J. D. Trop. A fast moving screenplay and tactful direction by Lesley Selander, a veteran of this field, contribute much to the entertainment offered.

The cast is above average, and has marquee value. Principal roles are played by Donald Woods, Evelyn Venable, and Russell Hayden, with Robert Barrat, Sidney Toler, C. Henry Gordon, Willard Robertson, Paul Guilfoyle, Paul Fix, John "Skins" Miller and Reginald Barlow in supporting roles. Norman Houston wrote the screenplay, and Harrison Jacobs contributed additional dialogue.

The story concerns the fight for water rights near the oasis ranch of Miss Venable and her father. Woods, a young geologist, arrives at the town to find out why his returns from an inherited cattle business has fallen off. Wounded by the defalcating manager's henchman, Woods is nursed back to health by Miss Venable. He uncovers the plot, and after saving his fortune, weds the girl.

Running time, 75 minutes. "G."* VANCE KING

"King of Chinatown"

(Paramount)

HOLLYWOOD, March 20.—The meaning read into the title establishes the character of "King of Chinatown." It is melodrama with all the trimmings in plot amplification, characterizations, dialogue, situations and action. Comedy, romantic love interest and regeneration that give the theme a human interest quality are other elements.

Based on a colorful story by Herbert Biberman and a screenplay by Lillie Hayward and Irving Reis, the picture, picturesquely produced by Stuart Walker, features Anna May Wong, Akim Tamiroff, Sidney Toler, J. Carroll Naish, Philip Ahn, Anthony Quinn and Roscoe Karns. Nick Grinde directed his story material and players in such manner and made such use of production detail that action and suspense dominate.

Gangsterism versus Chinese honesty, patience and charity is the basis of the story. Suave, ruthless racketeer Tamiroff, having been wounded, is being cared for by Miss Wong, who believes her merchant father, Toler, did the shooting. Tamiroff endeavors to suppress his hoodlums, but underlings Naish and Quinn force them to continue criminal activity. Meanwhile Tamiroff, wishing to make amends for his depredations, finances a Chinese ambulance unit for service in the overseas war-torn country. But before Tamiroff dies, Naish is proved to be his assassin and the rebellious gang is brought to justice. Thereupon Miss Wong, reconciled with her father, leaves for China with the ambulance unit.

Running time, 57 minutes. "G"* G. McC.

** "G" denotes general classification.*

Goodman with 'Fast' $20,000 In Pittsburgh

PITTSBURGH, March 20.—"Fast and Loose" and Benny Goodman's band on the stage gave the Stanley $20,000. "The Little Princess" at the Fulton drew a healthy $8,000, inducing a holdover.

Estimated takings for the week ending March 16:

"Spirit of Culver" (Univ.)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $7,000)

"The Little Princess" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days. Gross: $8,000. (Average, $5,000)

"Honolulu" (M-G-M)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $15,500. (Average, $15,000)

"You Can't Take It With You" (Col.)
SENATOR—(2,000) (25c-40c) 7 days. Gross: $3,400. (Average, $3,800)

"Fast and Loose" (M-G- M)
STANLEY—(3,600) (25c-40c-60c) 7 days. Benny Goodman on stage. Gross: $20,000. (Average, $17,000)

"Four Girls in White" (M-G-M)
"Persons in Hiding" (Para.)
WARNER—(2,000) (25c-40c) 7 days. Gross $4,500. (Average, $4,500)

'Honest Man' With $14,000 Has Smash Washington Gross

WASHINGTON, March 20.—"You Can't Cheat an Honest Man" put RKO-Keith's in the top spot with $14,000.

At Loew's Capitol "Fast and Loose," with the help of John Boles, grossed $18,500. The Earle with "The Oklahoma Kid" and "Jimmy Barton" hit $16,000.

Estimated takings for the week ending March 16:

"Fast and Loose" (M-G-M)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: John Boles. Gross: $18,500. (Average, $16,500)

"Trade Winds" (U. A.)
LOEW'S COLUMBIA—(1,243) (25c-40c) 7 days, 2nd run. Gross: $4,500. (Average, $4,500)

"Pygmalion" (M-G-M)
LOEW'S PALACE—(2,370) (25c-55c) 7 days, 2nd week. Gross: $11,500. (Average, $12,000)

"You Can't Cheat an Honest Man" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c) 7 days. Gross: $14,000. (Average, $6,000)

"The Oklahoma Kid" (W. B.)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: James Barton. Gross: $16,000. (Average, $16,000)

"You Can't Take It With You" (Col.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 7 days. Revival. Gross: $5,500. (Average, $4,000)

$126,504 Raised for Coast Paralysis Aid

HOLLYWOOD, March 20.—Southern California raised a total of $126,504.97 for the 1939 Infantile Paralysis Drive in which the motion picture industry took an active part, Joseph M. Schenck, chairman for California of the campaign, disclosed. Contributions totaled 65 per cent above last year's campaign, with Los Angeles County going 79 per cent above last year.

Schenck lauded, among other organizations, the Fox West Coast Theatres and the Independent Theatre Owners of Southern California for their corporation.

Notes on Metro Sales Meeting

By BILL CROUCH

CHICAGO, March 20.—TED MENDELSSOHN, son of FELIX MENDELSSOHN, former M-G-M branch manager, resigned Saturday to assume a sales position with Warners here. He had been with M-G-M for many years.

+

J. F. WILLINGHAM, Memphis manager, arrived in town with his crew wreathed in smiles. A 100 per cent record for sales was the reason.

+

Missing from the M-G-M ranks this year is exploiteer WALTER DUNN who resigned to assume the job of exhibition director of the Saenger Circuit in New Orleans.

+

J. M. SCHILLER and MORRIS ABRAMS are still running neck and neck in the "hair-raising" contest between themselves.

+

Junior auditors leaving for the coast before the convention started were TOM CONNORS, BOB CUMMINGS, ARTHUR CRONE and BEN WOOLF. The lads were given a sendoff at dinner Saturday night by WILLIAM RODGERS and the other executives.

+

JIMMY THAMES of Atlanta says his territory is so spread out that he has to carry both summer and winter wardrobes in order to be the properly dressed man in the cities he visits.

+

RALPH PIELOW of Albany got back from his winter vacation just in time to get unpacked . . . have his laundry done . . . and pack for the convention trip.

+

ARTHUR HORN has gone in for perfume. At least he had that "Eau de Jockey Club" odor about him when he hit town.

+

FRANK WHITBECK, elephant owner and M-G-M exploitation executive, had to leave Florida for the convention and stop off in Hollywood en route to pick up some clean shirts, etc.

+

JEROME A. ADAMS, "Mayor of the Brown Hotel" in Louisville is flashing a sheriff's badge.

+

Youngest resident manager attending the convention is BURTIS BISHOP, JR., of Pittsburgh.

+

WADE WILLMAN from Indianapolis is an unusual person. He spent his winter vacation in the northland among the snowdrifts. He said he got a "snowburn," whatever that is.

+

COL. H. A. "WHITEY" WAGNER, broke a record of long standing when he went to bed at 10 o'clock Saturday night.

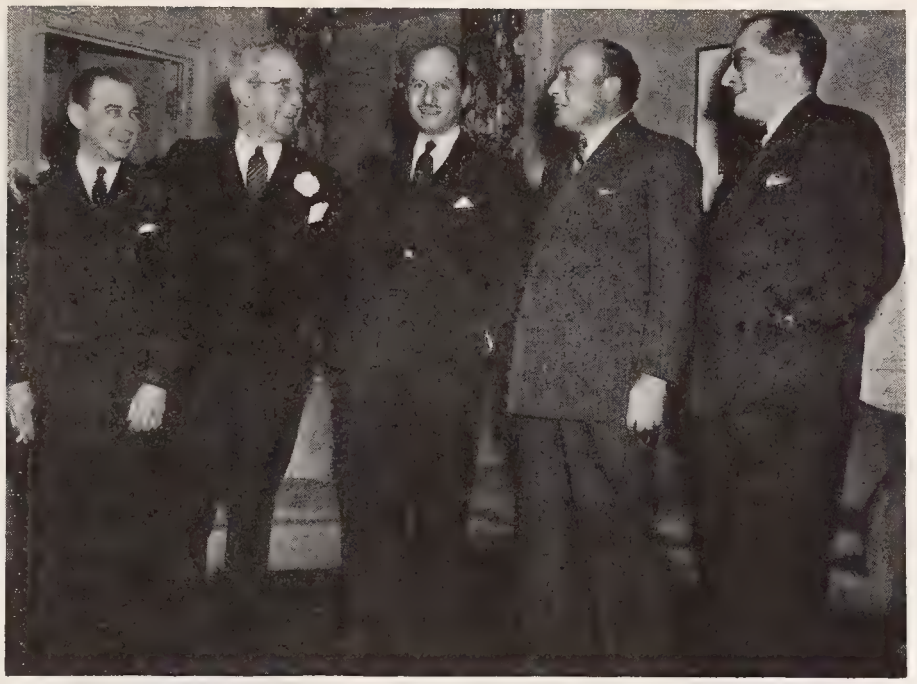
+

WILLIAM H. WORKMAN, Minneapolis resident manager, has been rehearsing for another one of those bass solos that so captivated conventioneers here three years ago.

+

Unable to attend the convention this year on account of illness were IRA FURMAN of San Francisco and JACK SOGG of Cleveland.

52 for Metro Next Season, Rodgers Tells Convention



Caught by the cameraman at the Metro sales meeting at the Palmer House yesterday, left to right: Mort Spring, assistant to Arthur Loew; William F. Rodgers, general sales manager; Arthur Loew, foreign head; Al Lichtman, vice-president; Sam Eckman, managing director in England.

(*Continued from page 1*)

light of tomorrow's program is a luncheon at which addresses will be made by Ed Kuykendall, M.P.T.O.A. president; Col. H. A. Cole, Allied head, and Harry Brandt, president of the New York I.T.O.A., who was selected to speak also for the unaffiliated exhibitor groups.

Wednesday will be devoted to conferences conducted by Division Managers T. J. Connors and E. M. Saunders, at the conclusion of which the 250 delegates are scheduled to leave.

Rodgers said the company will make large-scale pictures and that the production budget will be increased. Metro now has 11,000 accounts, he disclosed.

"It Can't Happen Here," from the Sinclair Lewis novel, is scheduled as one of the company's leading films for the season. Other big films planned are "The Wizard of Oz," in color, which is being completed; "Northwest Passage," which will star Wallace Beery, Spencer Tracy and Robert Taylor; "Qua Vadis," the Henry Sienkiewicz novel, planned on the scale of "Ben Hur," and Selznick International's "Gone With the Wind," which is planned for completion around October.

To Revise Shorts Program

There will be a revision in the shorts program, with emphasis on patriotic and documentary films. Established series will be continued featuring Pete Smith, Robert Benchley, Carey Wilson, "Our Gang," John Nesbitt's "Passing Parade," "Crime Doesn't Pay," FitzPatrick Traveltalks in color, and color cartoons, as well as the "Metroscopix," similar to the Audioscopics, and the News of the Day newsreel.

Metro will continue emphasis on stars in its features, listing 24 stars and 62 featured players, a total of 86 under contract. There are also 24 directors and 83 or more writers under contract. This is said to be the largest talent roster in Metro's history.

Kuykendall Speaks Today

Better relations between exhibitors and field sales forces will be urged by Ed Kuykendall, M.P.T.O.A. president, in addressing the meeting today.

Kuykendall recalls that distributor representatives were welcomed at meetings of the Tri-States M.P.T.O., which he formerly headed, and urges that the practice be continued and extended for the good of the industry. He points out that an important part of whatever success the proposed industry trade practice program meets with will depend upon the film salesman.

"Without your sympathetic understanding, and unless you catch the spirit of it further than the written instructions," he will tell the M-G-M men, "it will fail of its purpose."

Titles Announced

The M.P.T.O.A. president pays tribute to William F. Rodgers, M-G-M general sales manager; to the company and its management in his address.

The 36 titles definitely announced are:

"It Can't Happen Here," by Sinclair Lewis; story of political disturbance in the United States.

"The Wizard of Oz," in color, from the book by L. Frank Baum, directed by Victor Fleming, with Frank Morgan, Judy Garland, Ray Bolger, Jack Haley.

"Northwest Passage," from novel by Kenneth Roberts, starring Wallace Beery, Spencer Tracy, Robert Taylor.

"Quo Vadis," sequel to "Ben Hur."

"Gone With the Wind," by Margaret Mitchell; Selznick International production, starring Clark Gable.

"The Women," from the play by Clare Booth, starring Norma Shearer, directed by George Cukor.

"Guns and Fiddles," starring Robert Taylor, Hedy Lamarr and Meliza Korjus; from "Czardas, story by Walter Reisch and Samuel Hoffenstein.

"Return of the Thin Man," by Dashiell Hammett, starring William Powell and Myrna Loy, directed by W. S. Van Dyke, from screenplay by Frances Goodrich and Albert Hackett.

"Lover Come Back to Me," from the Sigmund Romberg operetta, co-starring Jeanette MacDonald and Nelson Eddy.

"Ninotchka," by Melchior Lengyel, starring Greto Garbo, directed by Ernst Lubitsch.

Plan 'Ziegfeld Follies'

"Broadway Melody of 1940," by Jack McGowan, with Eleanor Powell.

"Not Too Narrow, Not Too Deep," from novel by Richard Sale, starring Joan Crawford and Spencer Tracy.

"The Ziegfeld Follies," to be produced on a scale comparable to "The Great Ziegfeld."

"After Dark," from book and *Saturday Evening Post* story by Graeme Lorimer and Sarah H. Lorimer, starring Ina Claire.

"The Great Canadian," original story by Robert Hopkins and Vicki Baum, co-starring Clark Gable and Myrna Loy.

"A Day at the Circus," starring the Marx Brothers.

"Lady of the Tropics," starring Robert Taylor and Hedy Lamarr.

"House of Glass," by Max Marcin, starring Joan Crawford.

"Yank at Eton"

"Yank at Eton," by George Oppenheimer and Thomas Phipps, starring Mickey Rooney.

"Thomas Edison," based on story by Dore Schary and Hugo Butler, starring Spencer Tracy.

"Madame Curie," by Eve Curie, starring Greta Garbo.

"Beau Brummel," by Clyde Fitch, starring Robert Donat, to be made in England.

"Sea of Grass," from novel by Conrad Richter, starring Spencer Tracy.

"Balalaika," from play with music by Eric Maschwitz, starring Nelson Eddy and Ilona Massey, directed by Reinhold Schunzel.

"I Love You Again," by Octavus Roy Cohen, screenplay by Maurine Watkins, starring William Powell and Myrna Loy.

"Hands Across the Border," from story by Gene Towne and Graham Baker, starring Robert Taylor.

"A Lady Comes to Town," by Clements Ripley, starring Joan Crawford.

"Dancing Co-Ed," by Arthur Treynor, starring Eleanor Powell.

"Wings on His Back," by Myles Connelly, starring James Stewart.

"Journey's End," from play by R. C.

(*Continued on page 10*)

M-G-M Is Scheduling Two from England

M-G-M is scheduling at least two films from England for world release. These are "Beau Brummel" and "Journey's End," both starring Robert Donat. In addition, the British studio may make "Yank at Eton," a sequel to "A Yank at Oxford," and Mickey Rooney may go over for the picture.

It's a real

LOVE AFFAIR

IRENE **DUNNE** · CHARLES **BOYER**

in

"LOVE AFFAIR"

Produced and Directed by

LEO McCAREY

with MARIA OUSPENSKAYA · LEE BOWMAN

ASTRID ALLWYN · MAURICE MOSCOVICH

SCREEN PLAY BY DELMER DAVES AND DONALD OGDEN STEWART

RKO RADIO PICTURES



at the box-office!

Love at first sight in every key opening . . *warmer and warmer through big week-ends . . . to*

HOLDOVERS

RADIO CITY MUSIC HALL AND EVERYWHERE

Projectionist Bill Opposition Grows

Opposition to the Crews bill in the N. Y. Assembly gathered momentum yesterday as many non-profit and industrial organizations instructed their members to urge defeat of the bill. According to its present provisions, the bill requires licensed operators in attendance at all times at private or public exhibitions of films, 35 mm. or 16 mm. It would require two operators.

Won't Advance Bill

Assemblyman Robert J. Crews, its sponsor, stated that the bill would not be advanced to a further reading this week because it was not his intention to affect home or non-professional films. However, Roy W. Winton, managing director of the Amateur Cinema League, spearhead of the opposition, declared yesterday that the bill should still be defeated. Winton pointed out that Crews has under consideration licensed operators for the school system and that teachers were fully qualified to operate projection machines.

Advertising agencies, film exhibitors for charities, equipment manufacturers, film libraries, laboratories, film manufacturers, schools, churches and producers of non-theatrical films have joined the fight.

NBC Policies Aim To Protect Children

(*Continued from page* 1)

episodes, which is the technique used in most serials. Also, no effects will be permitted which give the effect of death or torture.

Types of business which are unacceptable to NBC include programs sponsored by professionals, such as doctors and lawyers; speculative schemes to aid finance, stock, or real estate promotions; programs whose sponsorship relates to alcohol, beer, fire arms, cathartics, personal hygiene, reducing agents, hair dyes, cemeteries, memorial parks, morticians and fortune tellers.

Only new provision noted in the general program policies is more restrictive use of the word "flash" in dramatizations. This new policy obviously stems from the scare engendered by Orson Welles in his "Martian" broadcast.

Patrons Welcome Tenn. Sunday Law

Louisville, March 20.—Theatre men throughout Tennessee report crowded houses on Sundays, following the passage of the state law permitting Sunday shows under a local option procedure, by vote of a majority of any city council.

French Bill Would Halve U. S. Imports

(*Continued from page* 1)

films by 50 per cent and result in the loss of many millions of francs. They charge also that it would violate the Franco-American reciprocal trade treaty which stipulates that the French Government will enact no measures which could place American films in a position less favorable than they now enjoy.

American trade representatives also point out that the measure would make Zay a real "czar" of the French industry.

There are two provisions of Zay's bill which would affect American films directly. One is a provision for the eventual institution of a dubbing tax on foreign pictures to be imposed, if possible, within the limits of existing international trade agreements. The other is a provision which would limit to 3,200 meters, or 10,000 feet, the length of film programs exclusive of documentaries, newsreels and cartoons.

The latter provision would end double feature programs, of which American films contribute half. At present, France uses annually about 330 features, of which 140 are French language films and 188 are foreign dubbings, among them 150 American films. With the limitation of programs to a single feature France would need only 200 films annually, it is estimated, and the market for American films would be halved.

The bill has nine main provisions, with numerous regulations of operations and working conditions in production, distribution and exhibition. The bill also would establish a production register for the recording of all operations of French film production and of security measures for film financing. The bill stipulates that all of its measures are made to cleanse the French film business and to aid "serious" producers to obtain easier financing.

M-G-M Convention Hears Rodgers Talk

(*Continued from page* 7)

Sherriff, starring Robert Donat, to be made in England.

"Ziegfeld Girl," by William Anthony McGuire, with all-star cast.

"Go West," Bert Kalmar and Harry Ruby, starring the Marx Brothers.

"On Borrowed Time," from play by Lawrence Edward Watkins, with Frank Morgan and Sir Cedrick Hardwicke.

"Babes in Arms," by Rodgers and Hart, starring Mickey Rooney, Judy Garland, June Preisser, Douglas McPhail, directed by Busby Berkeley.

"Thunder Afloat," by Ralph Wheelwright and Commander Harvey Haislip; screenplay by Wells Root; starring Wallace Beery.

"Witch in the Wilderness," from novel by Desmond Holdridge, directed by King Vidor.

Arthur M. Loew, vice-president in charge of foreign activities, speaking on the international situation, said Metro is developing new markets to overcome losses in countries where distribution has been curtailed. Al Lichtman, vice-president and representative of Nicholas M. Schenck, president, told of studio activity and outlined product to come. Joseph R. Vogel, Loew's circuit executive, spoke on the theatre situation.

Sales Stars Awarded

Rodgers awarded honors to outstanding salesmen in the form of stars. There are three two-star men, Phil Bobys, Washington, Clarence Pippin, Philadelphia, and David T. McElhinny, Salt Lake City. Stars were also given Rudolph Berger, John J. Bowen, Gordon Lightstone, A. Jack Shumow, Jerome Adams, John S. Allen, Robert A. Cain, Samuel J. Gardner, Jacob Goldberg, Charles D. Lvne and Henry Wolper. Efficiency awards were presented to branches in New York, Des Moines, Cincinnati, Denver and Omaha, and J. J. Maloney and Harris P. Wolfberg district managers.

Quimby on Shorts

The afternoon session opened with Fred Quimby outlining the short subject lineup, after which he introduced James Fitzpatrick, who outlined his program of Traveltalks. Sam Echman, Jr., spoke of the British situation.

Other persons introduced were Morton Spring, Frank Whitbeck and Pete Smith. Charles Casanave, Tom Connors and Edward Saunders also spoke.

Rodgers closed the afternoon session with a summary of the day's activities and an outline of tomorrow's meeting. He said trade practice plans and a summary of entire convention would be given at the session tomorrow afternoon.

Freeman to Be Host To Rydge on Coast

HOLLYWOOD, March 20.—Y. Frank Freeman will be host at a luncheon Thursday morning honoring Norman Beded Rydge, Australian theatre man. Guests will include Capt. Harold Auten, Rydge's American representative; George L. Bagnall, A. M. Bostford, W. B. Cokell, Luigi Luraschi and Edward Schellhorn.

New U.A. Program Is Nearly Complete

(*Continued from page* 1)

Laughlin over the weekend on the grounds of "diversity of citizenship" of the parties to the action. The company was given 35 days in which to transfer the record to the Federal court and prepare an answer to the complaint.

Government has served upon O'Brien, Driscoll & Raftery, attorneys for United Artists Corp., defendants in the anti-trust suit against the eight majors, notice that it will examine Harry J. Muller, as treasurer, and Edward C. Raftery, as secretary, of United Artists on March 27 at the Federal Court House before W. J. Briggs, notary, the Department of Justice revealed yesterday. The examinations will be the first to be held under Judge William Bondy's order empowering the Government to examine all United Artists defendants on five days' notice.

At the same time it was revealed that United Artists has submitted to Judge Bondy a formal order incorporating the terms of his decision on the applications of majors for bills of particulars from the government. The order, which the government will not oppose, provides for service of a bill within 60 days, and the filing of answers by United Artists defendants 20 days after receipt of the bill.

James Mulvey, eastern representative for Samuel Goldwyn, was called to the coast over the weekend to participate in company conferences which have been under way there for the past week. Mulvey left New York by plane.

Lynn Farnol, United Artists director of advertising and publicity, also left for the coast by plane yesterday. He will sit in at conferences on new production plans of all United Artists' producers. The conferences were begun with the arrival on the coast last week of Maurice Silverstone, United Artists chief executive; Charles Schwartz, company attorney and board member, and James Roosevelt, Goldwyn vice-president and board representative.

Republic Revises Its Sales Meeting Dates

Republic has revised dates of three of its four regional sales meetings to be held next month. The Houston session will be held April 7 and 8 as scheduled, but the New York date has been changed to April 12 and 13 and the Chicago meeting has been set back to April 20 and 21. The San Francisco meeting has been advanced to April 25 and 26.

James R. Grainger, Republic president, will preside at the meetings. He returned yesterday after an absence of a month on a field trip and a visit to the studio. Herbert J. Yates arrived from the coast over the weekend.

Wanger Suit Off as Para. Buys Interest

HOLLYWOOD, March 20.—Paramount has purchased all interest of Walter Wanger and Walter Wanger Productions in "The Trail of the Lonesome Pine" and other pictures made by them for Paramount. The pictures were made under an agreement which gave Wanger an interest in the profits. A suit brought by Wanger has been dropped.

Sounds as good as it looks —and it looks like a million!

New RCA PHOTOPHONE MAGIC VOICE of the SCREEN
with Rotary Stabilizer
PLUS SHOCK PROOF DRIVE

Designed for any theatre— regardless of size.

PHOTOPHONE RCA HIGH FIDELITY SOUND

Feb. Tax Revenue Off to $1,503,127

WASHINGTON, March 20.—A sharp drop in admission tax collections in February was reported tonight by the Internal Revenue Bureau.

Total collections for the month were $1,503,127, compared with $1,564,134 in January and $1,659,640 in February of last year.

Receipts from admissions in February were the lowest for any month since last August, the report showed.

Contrary to experience nationally, tax collections in the Third New York (Broadway) District, $514,746, were above both the preceding month, when they totaled $447,840, and February, 1938, when $506,240 was collected.

Box-office collections showed a sharp increase, totaling $446,555, compared with $361,464 the preceding month and $417,466 a year ago.

Collections on permanent use or lease of boxes and seats also increased, from $43 in January and $612 in February. Other classes declined, receipts from free or reduced rate admissions dropping from $6,820 to $6,097; tickets sold by brokers from $20,909 to $13,786; tickets sold by proprietors in excess of established prices from $466 to $19, and admissions to roof gardens and cabarets from $58,139 to $47,677.

Reconsidering Bingo Bill in Connecticut

HARTFORD, March 20.—Senator Cole's Bingo bill, the only one remaining unrejected by the current session of the state Legislature, was recalled by the Judiciary Committee for reconsideration. The bill came out of committee with an unfavorable report, but Cole had apparently rallied enough support in the Senate to override the committee.

The two-men-in-a-booth bill has been rejected by the Senate and House.

Set Drive for Mayer

DES MOINES, March 20.—Local 20th Century-Fox branch will celebrate the 25th anniversary in the business of Stanley Mayer, branch manager, with a drive honoring him. The campaign will start April 30 and end June 10. Territorial exhibitors are planning a banquet. Mr. and Mrs. Mayer are in Washington on a two-week vacation.

Dickinson's Son Killed

LAWRENCE, Kan., March 20.—Carleton Dickinson, 20-year-old son of Glen W. Dickinson, head of the Dickinson circuit, died yesterday morning, following an automobile accident here on Saturday. Two other students from the University of Kansas, also in the car, were killed instantly, while three others escaped injury.

Pass Token Abolition

TOPEKA, Kan., March 20.—Kansas Senate has approved the bill abolishing the small sales tax tokens which have proved a nuisance for exhibitors and retailers to handle. The bill already has been passed by the House.

Hollywood Preview

"Sudden Money"

(Paramount)

HOLLYWOOD, March 20.—"Sudden Money" was made to amuse plain folks. It's a domestic comedy. Charles Ruggles, Marjorie Rambeau, Charley Grapewin, Broderick Crawford, Billy Lee, Evelyn Keyes and Philip Warren are the principal players. However, almost a score more are seen in bit and character parts. Their performances amplify the basic comedy content.

Associate producer William C. Thomas chose for his picture a subject that has demonstrated its entertainment worth many times. A family comes into sudden wealth by winning a sweepstakes capital prize. Thereby all have opportunity to gratify their suppressed desires and ambitions. Ruggles reorganizes his collegiate jazz band. Mother Marjorie Rambeau goes in for art in a big way. Daughter Evelyn Keyes goes to an exclusive finishing school and hopes to get a rich husband. Grandpa Grapewin, who owns the bat but can't play on his grandson's gang's baseball team, spends his time consoling Billy Lee, who has been shipped off to military school. Race track-nutty brother Crawford becomes a big time bookmaker. All meet with debacles. When the money that came so easily has gone as easily, and almost as fast, the family resumes its usual routine of living, not sadly, but much wiser.

Lewis Foster's screen story based on Milton Lazarus' play is a deft combination of amusing dialogue, situations and characterizations. Nick Grinde's direction of material and talents is pointed to produce all the laughs that accrue to light, gay entertainment.

Running time, 60 minutes. "G."* G. McC.

**"G" denotes general classification.*

Celebrities to Attend Photographer Dance

Large numbers of celebrities of the screen, radio and stage have indicated their intention to be present at the 10th annual dance of the N. Y. Press Photographers' Association at the Hotel Astor April 14.

Among those expected are Victor Moore, Benay Venuta, Willie & Eugene Howard, Molly Picon, Radio Rogues, Lew Lehr, Ozzie Nelson, Harriet Hilliard, Mary Jane Walsh, Arthur Boran, Teddy Hart, Eddie Albert, Iris Adrian, Eddie Davis, Joey Nash, Al Sayne, Ethel Shepard, Hardeen, Charioteers, Helen Claire, Bill Robinson, Carmela Ponselle, Olson & Johnson, Della Lind, Clyde Hager, Joan Edwards, Ernie Holst, Wynn Murray, Jimmy Savo, Ezra Stone, The Merry Macs, Sam Jaffe, Crane Sisters, Ed East, Roy Smeck, Henry Busse, the Starlings and Pearl Robins.

Legion Approves 14 Of 15 New Pictures

National Legion of Decency approved 14 of 15 films reviewed and classified this week. Eleven were approved for general patronage, three for adults and one was found objectionable in part. The films and their classifications follow.

Class A-1, Unobjectionable for General Patronage: "Blondie Meets the Boss," "Flying Irishman," "Jones Family in Hollywood," "Lone Star Pioneers," "Med Folket Foer Fosterlandet," "The Mikado," "Mystery of Mr. Wong," "The Renegade Trail," "Songs and Saddles," "Trigger Smith" and "Winner Takes All." Class A-2, Unobjectionable for Adults: "Love Affair," "Mystery of the White Room" and "Risky Business." Class B, Objectionable in Part: "Within the Law."

N. Y. Spurts to 5th in Schaefer Sales Drive

New York exchange of RKO, managed by Bob Wolff, spurted from fifteenth to fifth place in the George Schaefer Drive at the end of the sixth week. Buffalo, Charles Boasberg, manager, which won two successive drives, is now in third place with Detroit, J. Sharkey chief, leading and New Haven, where B. Pitkin is manager in second place. China, where Leon Britton is in charge, leads in the foreign department.

March has been designated by RKO salesmen as Studio Appreciation Month because of the quality of product delivered during the Schaefer drive.

Studios Working On 34 New Films

HOLLYWOOD, March 20.—Thirty-four pictures were before the cameras this week, as eight started and seven finished. In the cutting rooms are 63, and 30 are being prepared.

Started were: "Three Texas Steers," Republic; "Second Fiddle," and "Young Mr. Lincoln," 20th Century-Fox; "The Sun Never Sets" and "Backstage Phantom," Universal; "Enemy Agent," "The Old Maid," "Give Me a Child," Warners.

In addition to these, shooting are: "Only Angels have Wings," Columbia; the Jashcha Heifetz vehicle, Goldwyn; "Maiden Voyage," "A Hundred to One," "It's a Wonderful World," M-G-M; "Beau Geste," "The Magnificent Fraud," "Geronimo," "Mr. and Mrs. Bulldog Drummond" and "North of Singapore," Paramount; "Second Shot," "Little Mother," "The Girl from Mexico," "G-Dog," RKO; an untitled Gene Autry western, Republic; "Gone With the Wind," Selznick; "The Man in the Iron Mask," Small; "Stanley and Livingstone," "The Return of the Cisco Kid," 20th Century-Fox; "For Love or Money," "The Oregon Trail," Universal; "Confessions of a Nazi Spy," "Each Dawn I Die," "Family Reunion," "Gantry the Great," "Battle of City Hall," Warners.

Finished were: "Blind Alley," Columbia; "Calling Dr. Kildare," M-G-M; "Man of Conquest," Republic; "Police School," 20th Century-Fox; "The Family Next Door," "Big Town Czar," Universal, and "Waterfront," Warners.

M-G-M has two short subjects shooting, and Columbia, RKO and Warners each have one. Five are being prepared, and 15 are being edited.

Plans Hollywood House

HOLLYWOOD, March 20.—Louis Berkoff, former owner of the Esquire, is building a new house here, the Cinema, at a cost of $75,000 and will devote its screen to first run foreign films. The house will seat 800, with parking facilities for 200 cars.



Brandt to Release Foreign Films Here

New organization for distribution of foreign films in the United States has been formed by Harry Brandt, head of Brandt Theatres, in association with Nat Wachsberger, French distributor and exhibitor. The new company, Film Alliance of the United States, Inc., has temporary offices in the RKO Building.

First three films said to have been acquired are "Quai des Brumes" and "Le Roi" which are French productions, and "The Challenge" which is English-produced. Wachsberger is scheduled to sail from France on the *Normandie* March 25.

Kentucky Bill Hits All Traveling Shows

LOUISVILLE, March 20.—Ordinance requiring a $200 per day license fee for traveling shows has been introduced here with the backing of exhibitors, local merchants and labor groups. Purpose of the bill is to prevent traveling amusements like roller skate derbies, six-day bicycle races and similar events, but sports such as baseball, boxing and football are exempt.

Alderman W. N. Cox, chairman of the Revisions Committee, is now handling the bill. Action on the measure is expected March 28. In support of the bill, theatre interests pointed out that they paid $282,000 in taxes to city and county last year and employed more than 1,000 persons.

Stirn Seeks 50 Days More on RKO Appeal

John Stover, attorney for Ernest W. Stirn, holder of 1,234 shares of Class A stock of RKO, will request an additional 50 days to file his record on appeal from the order of Judge William Bondy approving the plan of reorganization of RKO, he stated yesterday.

Under the rules of the Federal Court, if Stover's request is granted, he will have a total of 90 days to complete his appeal. The three appeals from Judge Bondy's decision will be consolidated and heard together by the Circuit Court of Appeals, probably in the early part of October, Stover stated. The other appeals were taken by H. Cassell & Co., debenture holder, and Copeia Realty Corp., a contingent creditor.

'U' Officers Reelected

All officers of Universal Pictures were reelected, as scheduled, at a meeting of the company's board of directors. Officers are J. Cheever Cowdin, chairman; Nate J. Blumberg, president; W. A. Scully, Cliff Work, Matthew J. Fox, Charles D. Prutzman and J. H. Seidelman, vice-presidents; Samuel Machnovitch, treasurer, and Peyton Gibson, secretary.

Orders Assets Divided

Federal Judge Vincent L. Leibell yesterday approved a report of Referee John E. Joyce and ordered assets of Theatre Trailer Corp., voluntary bankrupt, totaling $2,547, to be distributed to general creditors whose claims aggregate $46,662. In addition $1,018 in fees will be paid.

Radio Personals

IT'S Norm Kapham of the WHN publicity staff who is the official M-G-M photographer at the sales convention in Chicago . . . Leroy, of the piano lesson via radio program, is the father of a girl, born Saturday . . . Herbert Kline, director of the film "Crisis," which is now playing the 55th Street Playhouse, will be interviewed on "We, the People" tonight over CBS . . . Because of picture work, Joan Blondell has called off her trip to New York, and consequently her scheduled appearance in the Orson Welles dramatizations has been cancelled . . . Bob Stanley will be musical director of a new series over Mutual, starting Friday.

Dunhill to Start New Mutual Quiz Series

Dunhill Cigarette Co. will sponsor a new quiz series over a limited Mutual network, starting April 10. Series is to be known as "Name Three?" and it will have Bob Hawk as the master of ceremonies. The latter is currently appearing in the "People's Rally," another quiz show also on Mutual. The Biow agency handles the Dunhill account.

Stations for the new program comprise WOR, WGN, WFIL and WEAN. Time schedule is Mondays from 8 to 8:30 P. M.

Derr Not Renewing Monogram Contract

HOLLYWOOD, March 20.—E. B. Derr, head of Crescent Pictures, releasing through Monogram, disclosed over the weekend that he will not renew the present deal. Derr will produce the last two of the eight scheduled for Monogram release this year, "Prison Born" and "The Girl from Rio," a musical.

Derr declared he will concentrate on the preparation of the "Secret Service Smith" stories, for which no releasing deal has been concluded as yet.

Sunday Closing Enforced

CHARLOTTE, N. C., March 20.—Police entered the Imperial theatre here at 12:06 o'clock Sunday morning, found the motion picture still being shown, gave the manager, Neil McGill a summons on a charge of violating the closed Sunday ordinance. The show ended at 12:15.

Will Air "Madden"

Special feature on the M-G-M "Good News" show on Thursday night will be a preview of the new picture "Sergeant Madden," with Wallace Beery reenacting the lead role from the pictures.

Set Film on Television

HOLLYWOOD, March 20.—First picture of its kind scheduled, Republic has announced plans for "Tidal Wave," the principal character of which will be a television spot-news reporter.

FCC to Study 2 Television Pleas

WASHINGTON, March 20.—Applications of the Crosley Corp. and the Don Lee Broadcasting System for construction permits for a general television service to the public were today referred by the Federal Communications Commission to its Television Committee for consideration. Both applications contemplated use of one kilowatt power for aural-visual programs.

Study of the applications was ordered, the commission explained, because all applications heretofore granted have been for experimental development of technical systems, whereas the Crosley and Don Lee applications are for broadcasting to the public, with experimentation secondary.

The Television Committee is composed of Commissioner T. A. M. Craven as chairman, and Commissioners Thad. H. Brown and Norman S. Case.

CBS Retains British Expert on Television

Donald Hunter Munro, television production director of the British Broadcasting Corp., has been signed by CBS to serve as television consultant to Gilbert Seldes, director of television for CBS. Munro will serve here for a minimum period of one month, and possibly for a much longer period. He will arrive here in April.

Installation of the CBS transmitter in the tower of the Chrysler Building is virtually complete, and it is expected that the network will begin its experimental television broadcasts soon after the arrival here of Munro. Latter has been BBC's television program director since 1929.

Solotorefsky Starts Suit on WBNX Show

Isidor Solotorefsky, Jewish playwright, has filed suit in the U. S. District Court for an injunction and accounting against McKinley Sq. Theatre, Inc., Isaac Friedman, Israel Rosenberg, Jacob Wechsler, Irving Honigman, Menasha Skulnick and Jean Greenfield, charging plagiarism by Friedman and Rosenberg of his Jewish plays, "The Living Orphan" and "Alimony," in broadcasts over WBNX from December, 1938, through February, 1939, in a series of programs called "Shall a Woman Forgive?" Plagiarism was charged against the other defendants in a play of the same title produced in the McKinley Theatre.

Disc Series to Canada

Transcription series, "Secret Agent K-7 Returns," which NBC is producing and recording in association with Heffelfinger Radio Features, has been leased to Whitehall Broadcasting, Ltd., of Montreal, for their client, the B. Houde Co. The program is scheduled for broadcast on 12 or more stations throughout the Dominion.

Wurlitzer on WOR

Wurlitzer Co., through Schwimmer & Scott, has started a new series of electrically transcribed programs over WOR.

Banner LINES

DOC ROCKWELL is appearing in his own starring series on NBC, and his production man is Lester O'Keefe. As a gag they've ordered stationery with the letter-head reading "Rockwell-O'Keefe," and have been sending all sorts of [illegible]y letters and memos about the town. The firm of Rockwell-O'Keefe, talent agents, have been complaining but Doc and Lester are showing clippings of vaudeville days when the two shared dressing rooms together and were entitled to the name before the agents went into business.

▼

The story has been bothering us no end since we heard it, so as we pass it on and forget it. A press agent—name mercifully withheld—the other morning phoned a client and gushed about the latter's work on the air the night before. The superlatives cost the p.a. his client, for, not having listened, how was he to know that the artist's scheduled stint had not taken place, due to a last minute cancellation.

▼

There's talk that Procter & Gamble and the Compton agency will quietly drop the "Rise of the Goldbergs" program because, with the rise in crackpot anti-Semitism, numbers of bigots have written asking that the program be dropped.

▼

Mutual won't produce swing series after all. When recently CBS announced it was dropping the "Swing Club," there was much hullabaloo in the press, and Mutual immediately made plans to place a similar show on its web. CBS, however, disturbed by the press comment, almost immediately announced plans for another program which, in essence, is the old "Swing Club" show. Mutual, caught before announcing its own swing series, finally has dropped the idea altogether.

▼

Some interesting cullings from the remarks made in New York Friday by F. C. C. Chairman Frank R. McNinch, who spoke before members of women's clubs:

That the chairman personally favored the granting of longer term station licenses . . . consoling news to station operators.

Discussing the banning of Father Coughlin's speeches by WMCA and other stations, McNinch revealed that he's received about 5,000 letters on the subject, of which more than 3,000 sided with the Detroit radio priest. He said, however, that a majority of the pro-Coughlin letters addressed to the commission were in printed form, and not many present lost the significance of that explanation.

—JACK BANNER

Burns & Allen Due East

Burns and Allen will definitely come east for May and June. Their sponsor wants them to be on hand for the World's Fair, while Paramount wants to present them at the New York premiere of Gracie's new picture, "The Gracie Allen Murder Case."

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Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 55 NEW YORK, WEDNESDAY, MARCH 22, 1939 TEN CENTS

Neely Moves To Give Senate Booking Bill

Will Ask Its Discharge from Committee

WASHINGTON, March 21.—In a move to bring his anti-block booking bill directly to the floor of the Senate, Senator Neely will ask tomorrow that the Senate Interstate Commerce Committee be discharged from further consideration of the measure.

Formal notice was given yesterday by Senator Neely that he would ask for action. He said he intended to bring up the matter today but was prevented by long debate on the reorganization bill.

If the Neely motion passes, the bill would go on the Senate calendar and could be the subject of a further motion to make it unfinished business. This would pave the way for a vote.

Senator Neely contends that his measure was buried when it was turned over to a subcommittee headed by Senators Smith and Barkley. Smith is interested primarily in cotton legislation and Barkley is majority leader.

20th-Fox Program Ready on March 31

HOLLYWOOD, March 21.—Top executives of 20th Century-Fox today continued their product conferences in preparation for the Chicago sales convention next week and declared the complete program would be told on March 31, second day of session. In attendance here were Sidney Kent, Herman Wobber, Joseph M. Schenck, Darryl F. Zanuck and William Goetz.

Such Is Fame

Frank Shields, tennis star, the other night went to the Art Theatre, Bronx, to see Monogram's "Hoosier Schoolboy," in which he appeared with Mickey Rooney a couple of years ago. He participated in the Screeno game and won a $1 prize. He was called on the stage to receive the prize, and, although the film had just been run off, no one in the audience recognized him.

NAB Brands Ascap's Deal As Inequitable

Copyright Committee of the National Association of Broadcasters, concluding a two-day meeting here yesterday, branded its present agreement with Ascap as inequitable inasmuch as it compels broadcasters to pay fees on programs not using Ascap music, and passed a resolution to enter new negotiations with Ascap predicated on the principle of paying royalties only on revenue from the sale of time for programs involving the use of the Ascap catalogues.

N.A.B.'s present agreement with Ascap expires at the close of 1940. Ascap officials were not available for official comment on the new N.A.B. move, but it is considered unlikely that it will treat it with favor, in view

(Continued on page 5)

COMPANIES FACING STRIKE CALL TODAY

M-G-M Lists 79 Shorts on New Schedule

CHICAGO, March 21.—Metro will have a schedule of 79 short subjects for 1939-'40, 13 fewer than the current season. Only six will be two reels, the balance all one reel. This was announced by Fred C. Quimby, short subjects manager, today, on the third day of the company's 15th anniversary convention at the Palmer House here.

The shorts will total 85 reels, in addition to twice-weekly issues of News of the Day. This season the company is releasing 104 reels. The series of two-reel musicals, six of which are being released currently, will be dropped. The Benchleys and "Our Gang" series are reduced by four each from the present season, while the cartoons are increased by three.

At the luncheon session today the 250 delegates heard addresses by heads of three exhibitor organizations, Col. H. A. Cole, Allied States; Ed Kuykendall, M. P. T. O. A., and Harry Brandt, New York I. T. O. A., representing also other unaffiliated

(Continued on page 4)

Union Demands No Film Delivery to Theatres Not In IATSE

Distributors, today, face a strike call from the IATSE and Local 306, in the New York area, affecting exchanges and possibly theatres, too. The companies must decide today whether to submit to demands of the unions and forbid the N. Y. exchanges from delivering films to theatres which do not employ IATSE affiliates. Independent theatres are particularly affected. The deadline which was yesterday has been pushed forward until today.

A peaceful solution is sought. The result will not be known until late today whether the industry can prevent a walkout.

Lawyers Meet Today

Company lawyers are meeting today with George Z. Medalie, counsel for the union. The lawyers are weighing the legality of the question which confronts the picture companies in this situation. Meetings with the union representatives have been in progress.

Projectionists in the exchanges and even shipping clerks or back-room help might be called out under the strike threat. Of course, it could spread to theatres, too.

This is the most serious union threat to the industry in years. Whatever action is taken here by the union or if the demands are met, would have its affect elsewhere in the industry. The present situation appears to be only the first step in the IATSE intention to unionize the entire industry along its lines.

Local 306 is the IATSE's strongest unit, here.

The action appears to be pursuant to a resolution adopted at the I.A.T.

(Continued on page 5)

Sherwood to Defend Play Sale to Films

Robert Sherwood, president of the Dramatists' Guild and author of "Abe Lincoln in Illinois," has been invited at his own request to appear before the council of Actors' Equity next Tuesday. Sherwood, who sold the film rights to his play and announced that its run would be cut short, expressed a desire to discuss the recent *Equity* editorial which denounced such practice. It will be a closed meeting.

Equity Meeting to Decide On Sunday Shows for Fair

Question of Sunday shows on New York's legitimate stages during the World's Fair will be determined at the quarterly meeting of Actors' Equity Friday, the Equity council decided yesterday. The council declined to offer any recommendation and left it to the meeting to decide whether or not a referendum of the union's membership should be taken.

Attendance of 500-800 members is expected at the Hotel Astor Friday, representing 10 to 15 per cent of the rolls. A previous referendum overwhelmingly voted down a proposition for Sunday shows but there has been some change in sentiment since.

A joint committee of the League of N. Y. Theatres and Equity to study the ticket code situation and recommend changes was named yesterday. For the producers are Brock Pemberton, Herman Shumlin, Sam H. Grisman, Lee Shubert, Martin Beck, Lawrence Langner, Marcus Heiman, Warren P. Munsell, Morris Jacobs, James F. Reilly and Milton R. Weinberger. For Equity, Winifred Lenihan, E. J. Blunkall, Philip Loeb, Edward Fielding, Alfred Kappler, Blanche Yurka, Walter Greaza and Franklin Fox, alternate.

The council decreed that there shall be no seven-day week for Equity members working at the Fair. A resolution was passed calling for additional appropriations for the W.P.A. so that the Federal Theatre Project could continue its activities to the end of the fiscal year.

Providence Theatre Union Confers Here

PROVIDENCE, March 21.—Three representatives of Front House Employes' Local B129, an affiliate of the I.A.T.S.E., go to New York tomorrow for wages, hours and union recognition conferences with Loew's, Inc., and R-K-O officials.

The group, appointed as a contract committee at a recent meeting of the local, consists of President Albert Byrnes, Business Agent James Tartaglione and Executive Committeeman Dominick Pardo.

Purely Personal

STANTON GRIFFIS, chairman of the Paramount executive committee, will return to New York from Florida early next week.

•

ARTHUR S. DICKINSON, director of the conservation department of the M.P.P.D.A., left yesterday to attend a meeting of the Truck Transportation Committee of the National Fire Protection Association today in Washington.

•

CATHERINE DOUCET, ETHEL REMEY and EFFIE AFTON sail tonight on the *Washington* to take roles in the London production of "The Women." Also sailing are RENE MAISON and ALEXANDER KIPNIS, operatic stars.

•

MILTON HARRIS, director of publicity for Loew's Theatres in Cleveland, was guest of honor at a luncheon at the Statler there, on his fifth year in the post.

•

MARTHA RAYE leaves Hollywood tonight for a personal appearance tour starting Friday at Salt Lake City with the opening of her latest picture, "Never Say Die."

•

MR. and MRS. GEORGE JESSEL arrived yesterday from Florida and are stopping at the Sherry-Netherland.

•

MISCHA AUER was guest of honor at a cocktail party at the Astor given by Universal yesterday afternoon.

•

WILL H. HAYS and MRS. HAYS returned to New York yesterday from a West Indies cruise.

•

LEON NETTER of Paramount is expected back from Bermuda this weekend.

•

HARRY GOLDBERG, Warner circuit publicity head, is due back tomorrow or Friday from Cleveland.

•

HARRY RAPF, M-G-M producer, is in town for a week.

•

OTTO E. KOEGEL has returned from the coast.

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Insiders' Outlook

By SAM SHAIN

HAVE you heard that Frank Lloyd may produce for United Artists?

Addition of Lloyd would greatly strengthen the United Artists lineup, which probably will include for the new season such producers as Ernst Lubitsch, besides those already on the company roster.

Sol Lesser is on the business end of the Lubitsch deal, and somewhere behind the scenes with Lesser you might find Charles Chaplin.

▼ ▼

Spring is with us. Perhaps a little windy, but the wind seems to be blowing some good. Take the case of "Three Smart Girls Grow Up," the Deanna Durbin picture. Produced by that most consistently successful pair in show business—Joe Pasternak and Henry Koster. In this picture Miss Durbin has her first adult role, and apparently as a grown-up young lady she is destined to bring even greater glory to the box-office and to Universal than she has done as an adolescent. The picture is a real tribute to the intelligent work of Nate Blumberg and his associates in handling Universal.

▼ ▼

Arnold Van Leer in the U. S. may be representing certain of the industries of Brazil under a plan calculated to foster and strengthen the friendship ties between that country and the U. S. Van Leer is one of the best known publicists we have had in the business.

Seeing Emil Boreo in "The Lady Vanishes" reminded us about Van Leer, who is Boreo's show business counsellor. We remember hardly a year ago when catching one of the shows at Loew's State in which Boreo was headlined, we remarked that it was about time he got a picture break. And that's what the Hitchcock film does for this clever comedian.

▼ ▼

Perhaps you didn't know the late Bert Adler. His passing last week brings recollections of a gentle, knowledgeable personality, who was at once patient and alert. Bert left the show business after an extraordinary, interesting and lengthy career with various companies as press agent to enter politics, where he proved immediately and eminently successful. He was Deputy Commissioner of Sanitation in our present city administration, and but for his untimely passing at 48, he might have gone on to greater heights.

▼ ▼

Interesting it is to note that London Films is going to present Alexander Korda Productions, Ltd., in the making of new pictures here and abroad for United Artists release. By that fact we must take it that London Films continues as a unit of United Artists, despite the fact that the board of directors of United Artists had granted leave to substitute Alexander Korda's personal company for London Films.

This substitution has been one of the contested points between Goldwyn and United Artists, so that perhaps the manner in which the astute Britishers are handling this thing may dispose of that particularly quarrelsome angle.

Butler Bill to Senate

ALBANY, March 21.—The Butler bill on admission of children to theatres passed the Assembly today without debate. It now goes to the Senate for action.

Visual Session June 19

CHICAGO, March 21.—The National Conference on Visual Education will be held here June 19 to 23. Herman A. DeVry is sponsoring the session.

The Newsreel Parade

First pictures of the coronation of Pope Pius XII are shown in the new issues of the newsreels. The reels and their contents follow:

MOVIETONE NEWS, No. 55—Coronation of Pope. Air disaster in Washington. Chinese terrorists in Shanghai. Oil tanker splits in mid ocean. Gas masks for babies. St. Patrick's Day parade. Fashions. Softball games. Steeplechase in England. Diving. Lew Lehr.

NEWS OF THE DAY, No. 253—New Pope is crowned. Stratoliner air crash. American Legion medal awarded. Douglas nominated for Supreme Court. Pickaback pigeon story. Galento signs for Louis bout Diving in Miami.

PARAMOUNT NEWS, No. 65—Coronation ceremonies. Crisis in Shanghai. Stratosphere plane crash. S. E. C. chairman named to Supreme Court. Pigeon carries canary. Japanese Embassy mourns late ambassador. Ashes of Saito shipped to Japan. Galento rehearses for vaudeville.

RKO PATHE NEWS, No. 70—Pope crowned in Rome. Benes defies Nazi aggression. Czech ambassador in Washington. Preview of Scotch streamlined train. Ashes of late Japanese ambassador sent to Japan. Douglas named to Supreme Court. Stratoliner crash. Parade in New York.

UNIVERSAL NEWSREEL, No. 755—St. Patrick's parade in New York. Czech minister in Washington. English babies don gas masks. Japanese ambassador's ashes shipped to Japan. Uprising in Shanghai. Roosevelt names Douglas to Supreme Court. Train wreck in France. Stratoliner plane crashes. Pioneer train in Illinois. Diving school. Bird carries bird in New York. Coronation of Pope Pius XII.

20th-Fox Sets Two Previews of 'Bell'

Simultaneous previews in Federal Hall at the San Francisco World's Fair and in Constitution Hall in Washington have been arranged for March 29 by 20th Century-Fox for "The Story of Alexander Graham Bell." A special train will carry a party of celebrities and press representatives to San Francisco, and the day has been designated "20th Century-Fox Day" at the Fair. Civic officials, headed by seven governors and Mayor Angelo Rossi, will be present.

Elsa Maxwell will preside at the festivities, and Don Ameche will fly west to be present. Others expected to make the trip to the Fair are Joseph M. Schenck, Mr. & Mrs. Darryl F. Zanuck, William Goetz, Mr. & Mrs. Douglas Fairbanks, Hedy LaMarr, Gene Markey, Sol M. Wurtzel, Mr. & Mrs. William Koenig, Mr. & Mrs. Kenneth Macgowan, Mr. & Mrs. Irving Cummings, Mr. & Mrs. Gregory Ratoff, Sid Grauman, Lew Scheiber, Tyrone Power, Sonja Henie, Annabella, Richard Greene, Nancy Kelly, Arleen Whelan, Lynn Bari, Mary Carlisle, Anita Louise and Ella Williams.

Form British Reel Unit

LONDON, March 21.—A body bearing the title of the National News Theatre Association of Great Britain and Ireland has been registered in this country. Its object is to further matters relating to the development of news theatres.

Everett Athey Dies

CINCINNATI, March 21.—Everett Athey, 49, for 10 years manager of the Fairmount, neighborhood house, died at Good Samaritan Hospital following an abdominal operation. He previously was a projectionist. His widow survives.

Raise Chicago Prices

CHICAGO, March 21.—State-Lake is using more elaborate stage shows, and as a result the Saturday and Sunday price will be 55 cents top instead of the regular 40 cents admission. The Oriental has adopted the same policy.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

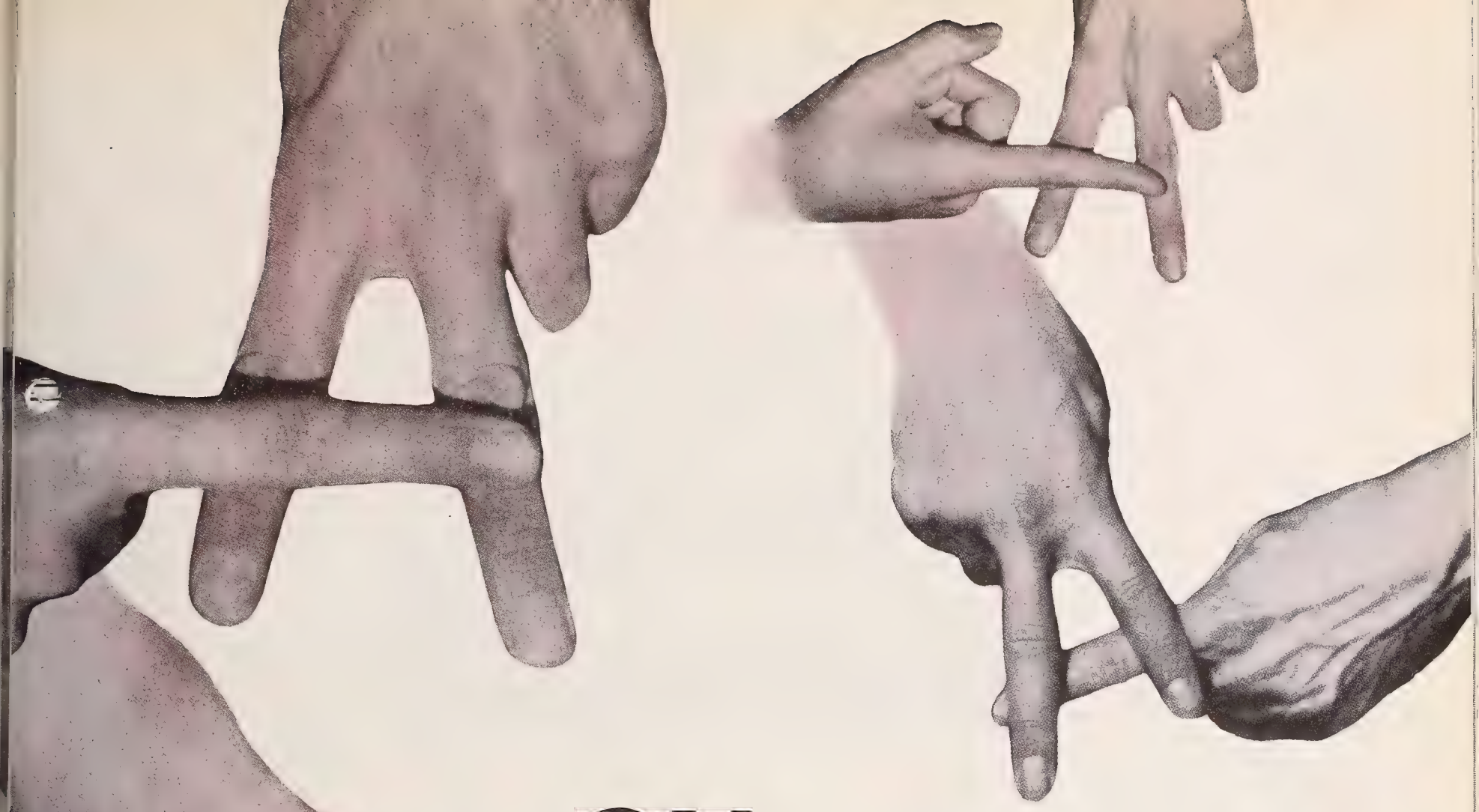
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



ON EVERY FILM ROW! THE HIGH SIGN OF THE FRIENDLY COMP"A"NY



M-G-M's 1939-1940 PRODUCT ANNOUNCEMENT BURNED UP THE WIRES!

Even the linesmen listened in as the greatest array of stars and productions in film history was flashed to beaming box-offices the world over! The sales representatives of M-G-M are on their way home from their 15th Anniversary Convention. They bring you M-G-M's assurance of the biggest year in all your showmanship career!

Additional Metro Properties Listed

CHICAGO, March 21.—In addition to the 36 feature titles announced to the M-G-M sales convention yesterday, the company will select the rest of its program for 1939-'40 from among the following story properties:

"Susan and God," the Rachel Crothers' play; "The Lady and the Waiter," by Dorothy Milhau; "War Eagles," original by James A. Creelman and Harold Lamb; "20,000 Leagues Under the Sea," by Jules Verne; "The Yearling," novel by Marjorie Kinnan Rawlings; "Wings Over the Desert," by Harold Buckley; "Kim" and "Soldiers Three," by Rudyard Kipling; "Spur of the Pride," novel by Percival Wren; "I Had a Comrade," by Viscount Castleross; "May Flavin," novel by Myron Brinig; "Florian," novel by Felix Salten, screenplay by John Meehan; "Alaska," based on "Seward's Folly" by Edison Marshall, screenplay by Robert Hopkins; "These Glamour Girls," by Jane Hall and Marion Parsonnet, with all-star cast; "Escape to Prison," from novel by Walter E. Burns; "Nickel Show," by Vera Caspary; "Ruined City," by Nevil Shute, based on the novel "Kindling"; "The Rosary," by Edward E. Rose; "Great Laughter," from novel by Fannie Hurst.

Stars on Roster

Scheduled for starring roles are Norma Shearer, Clark Gable, Robert Taylor, Greta Garbo, Spencer Tracy, Joan Crawford, Myrna Loy, Nelson Eddy, William Powell, Jeanette MacDonald, Margaret Sullavan, Marx Brothers, Hedy Lamarr, Robert Donat, Eddie Cantor, Mickey Rooney, Robert Montgomery, Judy Garland, Wallace Beery, Lew Ayres, Rosalind Russell, Eleanor Powell, Lionel Barrymore and Freddie Bartholomew.

Mickey Rooney will continue in the "Andy Hardy" series and Lew Ayres in the "Dr. Kildare" films.

Sparks Ends Screeno In Florida Theatres

MIAMI, March 21.—E. J. Sparks, president of the Sparks circuit, has discontinued Screeno in houses operated by the organization throughout the state.

Since a recent State Supreme Court decision holding Bank Night illegal, Sparks said, "There has been some doubt in our minds whether Screeno is in keeping with the law. We don't know whether it is illegal," he added, "but simply as good citizens we are discontinuing it."

Orders Games Stopped

OCALA, Fla., March 21.—State's Attorney J. W. Hunter has directed the sheriffs in the counties of the Fifth Judicial Circuit to inform the managers of all theatres that games of chance must not be conducted in their houses.

Sheriff Gordon Moorhead of Marion County made public the letter he received from the state's attorney, which indicated the official's intention to prosecute in the event of the use of games.

M-G-M Lists 79 Shorts On 1939-'40 Schedule



Photographed at the M-G-M sales meeting in Chicago yesterday, seated, left to right are: W. E. Banford, Chicago branch manager; Tom Connors, eastern sales manager; William F. Rodgers, general sales manager; J. T. Flynn, Midwest district manager; Edward Aaron, assistant to Rodgers; Ed Saunders, western sales manager. Standing is Alan F. Cummings, auditor.

(Continued from page 1)

groups. All stressed exhibitor-distributor cooperation.

Cole Speaks for Allied

Col. Cole termed his appearance as president of Allied before a large distributing organization "a notable occasion." He referred to Allied's efforts during the last 10 years to obtain relief for independent exhibitors and said that Allied members are not "reds" or "savages," but are conservatives and seek the best interests of the industry.

Referring to clearance and the Supreme Court's decision in the Interstate circuit case, Col. Cole declared that the protection as practiced "has no relation to the protection of the copyrights owned by the distributors."

"It ignores the rights which the distributor has in its copyrighted properties," he continued. "The only purpose of such protection is to regulate competition between exhibitors in the interest of the circuits and to give the circuits a monopoly in their respective territories.

Can Reassert Rights

"The distributors now have it in their power to reassert their own rights, to regain the control over their own products which they had lost, and to regulate clearance solely in their own interest as distributors. If they grasp this opportunity great progress will have been made. If instead of taking matters into their own hands, they allow their theatre departments and large customers to devise means for perpetuating the old order, not only are they headed for serious trouble, but they will be guilty of fumbling the greatest opportunity to put the industry on a sound basis that they ever had."

Col. Cole declared he sees evidences of a better understanding in the industry and that he, for one, is "not selling the motion picture business short."

William F. Rodgers in his closing speech said that Metro would sell all product with the understanding that general trade practice agreements would also be met if and when they went into effect. He said Metro desired and solicited arbitration.

Unusual was this afternoon's meeting, with three exhibitor leaders present to speak and hear what M-G-M planned as a summary of the entire meeting was given by Rodgers and Lichtman.

Edward Kuykendall was first to speak. He was followed by Harry Brandt who talked on exhibitor problems. Brandt said if the industry was not careful politicians would be running it. He said theatre and film men could run it themselves and should. Brandt said he was for block booking and against blind buying.

The general convention came to a close with a formal banquet in the hotel's grand ballroom tonight. Tomorrow there will be divisional and district meetings.

Fewer but Better Shorts

Quimby said that there is a growing interest in short subjects, and because of this and the efforts of the women's clubs and the better films groups to eliminate double features, M-G-M will make fewer but better shorts. Included will be documentary and patriotic subjects, of a type pioneered by the company with its "Servant of the People," Quimby said.

There will be a series of six "Crime Does Not Pay" subjects, in two reels. The others, all of one reel, will be 13 Pete Smith specialties, with topics ranging from sports to science; nine "Miniatures" by Carey Wilson; eight "Passing Parade" subjects narrated by John Nesbitt; four Robert Benchleys; eight "Our Gang" subjects; 12 FitzPatrick Traveltalks; 18 cartoons produced by Hugh Harman and Rudolph Ising, and a "Metroscopix," described as a "third dimensional" subject.

The Traveltalks will be in color and devoted to regions of North and South America. A number of the subjects will be in sepia, and there may be a few others in color.

Howard Dietz, advertising and publicity director, at the morning session outlined the company's advertising plans for the new season. There will be a $10,000 contest for exhibitors starting Sept. 1. Si Seadler, advertising manager, gave additional details and discussed the company's plans to aid exhibitors on individual campaigns. William R. Ferguson, exploitation manager, spoke through a large replica of "Leo the Lion." He enumerated the 67 services that M-G-M's exploitation staff offers exhibitors.

Also at the morning session, Barrett C. Kiesling of the studio outlined the work done on his goodwill trips around the country. Frank Whitbeck of the studio's publicity staff spoke about forthcoming trailers. Pete Smith stressed the importance of shorts in helping to eliminate double features, and Herb Morgan, short subjects publicity manager, outlined plas for making the public "short conscious."

Kiesling, M-G-M's "ambassador of goodwill," starts another tour of the country at the close of the convention. He plans to visit 80 cities, contacting exhibitors and newspapers, between now and Aug. 22.

Myers Due Soon to Resume Pact Talks

Abram F. Myers, Alllied general counsel, is due from Washington late this week to resume conferences started last week with the distributors' counsel on the proposed trade practice program.

While the principles of the pact have been agreed upon for some time, much work remains to be done on the phraseology. Counsel for the companies are not entirely in agreement among themselves on all points of terminology, and a precise outline of arbitration machinery and procedure is still to come.

Col. H. A. Cole, Allied president, conferred with Myers before the latter left for Washington. Cole is attending the Metro convention in Chicago, and after meetings with Allied units in the midwest plans to be back in Dallas late this week.

Phila. Allied Wary on Doubles Elimination

PHILADELPHIA, March 21.—Suggestions that exhibitors should confine doubling to weaker films were made at the Allied meeting today. This along with advice that members use good business practices that would obviate the need for doubles was the consensus of a session that made no definite move toward the elimination of duals.

Selznick Will Move

Selznick International Pictures, Inc., has leased space for its New York headquarters on the 34th floor of the International Building in Rockefeller Center, for occupancy about May 1. Present quarters are at 230 Park Ave.

Odeon Aids Hospital

LONDON, March 21.—A completely equipped bio-chemical laboratory has been presented to the National Hospital for Nervous Diseases in London by Odeon Theatres.

Companies in NY Are Facing Walkout Call

(*Continued from page* 1)

S.E. convention in Kansas City in 1936, calling for union handling of film produced in union studios. Thereupon followed the organization of exchange employes by the I.A.T.S.E., and the singing of a contract several months ago.

The situation is that if any link in the production-exchange-theatre chain is not affiliated with the I.A.T.S.E., the union may call a general strike to enforce unionization. This may even extend to studios. The I.A.T.S.E. has twice resorted to such tactics in recent years, with quick settlement of the controversies resulting.

The I.A.T.S.E. executive board at its recent annual meeting in Miami reaffirmed its resolution for complete unionization. Last week Local 306 members voted for a strike call if the unionization order were not enforced.

Coast Local Obtains Restraining Order

HOLLYWOOD, March 21.—The battle between officers of I.A.T.S.E. international and suspended leaders of Studio Technicians Local 37 over control of the organization today took on the aspect of a war of injunctions.

A. Brigham Rose, attorney for Joseph Carpenter, president of the local and other officers suspended over a week ago by international representatives Frank Stickling and John Gatelee, who then suspended local autonomy, obtained late today a restraining order prohibiting the international from acting for the local, from calling a meeting of members, from representing the local in business matters and from ousting officials.

Meanwhile Superior Judge Emmett Wilson, who issued today's injunction, set tomorrow morning as a hearing date for the contempt of court charges brought by Stickling and Gatelee against the suspended local officers because of their alleged violation of an order restraining them from calling mass meeting of members Sunday at which many fights broke out. Hearing on today's injunction was set for March 29.

NAB Brands Ascap Deal as Inequitable

(*Continued from page* 1)

of the recent declaration of E. C. Mills, chairman of the Administrative Committee of Ascap. Mills openly declared that the anti-Ascap legislation passed recently by a number of states—most recently North Dakota and New Mexico—was inspired by lobbying tactics of the N.A.B. In that same declaration he said that unless the N.A.B. ceased its "campaign of vilification and attack on Ascap," when 1940 arrives "the song writers of America will refuse to license the use of their works by any broadcasting station."

Hollywood Previews

"Sergeant Madden"

(M-G-M)

HOLLYWOOD, March 21.—Big Wallace Beery as the honest copper and lean, tense Alan Curtis as his quick-triggered son work up considerable audience suspense about the outcome of this story of New York's finest. It is from "A Gun in His Hand," by William A. Ulman, Jr., and the screenplay by Wells Root is a straightaway adaptation pointed for appeal to the broad middle class. Production by J. Walter Ruben and direction by Josef von Sternberg are in the same pitch.

Beery's performance is his usual sound character portrayal, a little more serious than most of his assignments but moderately humorous at the start of the picture. Curtis' portrayal confirms earlier indications that this young man has what it takes. Laraine Day, a newcomer, displays personality and ability, while Tom Brown and Fay Holden satisfy in minor roles.

The plot centers about Beery's ambition, as the police officer of the title, to make of his own and an adopted son honorable and courageous members of the New York police force. Ambition leads his son into trouble, finally into lawlessness, whereupon the father, blaming himself for having put a gun in the boy's hand, quits the force and determines to bring his son to justice. The boy, ultimately seeing the error of his ways, permits himself to be killed by police bullets so that his father, wife and infant son may be spared further disgrace.

Although the scene is New York, the film is suitable for exhibition in cities of any size and is a tribute to police methods, codes and principles generally.

Running time, 80 minutes. "G."* ROSCOE WILLIAMS

"They Made Her a Spy"

(RKO)

HOLLYWOOD, March 21.—"They Made Her a Spy" deals with spying and counterspying, a subject to which picture production has devoted much attention lately. The locale is Washington, D. C., and the time is that which may coincide with any fast breaking news story. The heroine is a girl secretly in the employ of the Army Intelligence Department; the hero is a reporter tracking down a story and the villain, naturally, is a master spy whose insidious operations menace national security. Sally Eilers, Allan Lane and Fritz Leiber interpret these roles. Competent themselves, they are ably supported by Frank M. Thomas, Theodor von Eltz, Addison Richards, Larry Blake, Pierre Watkin, Spencer Charters and Leona Roberts.

To avenge her brother's death and to do her country a service, Miss Eilers becomes attached to the Intelligence Department. Immediately she insinuates her way into Leiber's confidence. Simultaneously she becomes romantically attached to Lane, who seems to be a spy. Varying melodrama and romance, the picture culminates when, after Miss Eilers, aided by Thomas, sets a trap that snares Leiber and uncovers a trail that leads directly into the Intelligence Department's inner office, misunderstandings are cleared up.

Entertaining, yet educational, as such pictures are in so far as they reveal spy workings and the methods used in counteracting them, the picture has topical significance which gives it unique exploitation value. Based on a story by George Bricker, which was adapted by Machael Kanin and Jo Pagano, the film is Jack Hively's first directing effort. He demonstrates an impressive understanding of theatrical and commercial values.

Running time, 67 minutes. "G."* G. McC.

**"G" denotes general classification.*

Stirn Wins Extension

Federal Judge William Bondy yesterday signed an order extending to April 20 the time for Ernest W. Stirn, holder of 1,234 shares of Class A stock of RKO, to file his record on appeal from the order of Judge Bondy approving the plan of reorganization of RKO.

Doris Kenyon Returning

Doris Kenyon will resume her screen career in the Edward Small production of "The Man in the Iron Mask." She will be seen as Queen Anne, mother of King Louis.

Okla. Passes Rogers Bill

OKLAHOMA CITY, March 21.—A bill making a $4,500 emergency appropriation for the Will Rogers Memorial commission to operate until July 1 was passed by the Oklahoma house of representatives this week, and sent to the senate.

Start Gracie Fields Film

LONDON, March 21.—"Sally of the Shipyards," 20th Century-Fox British picture starring Gracie Fields, will start at the Gainsborough Studio at Islington in a few days, with Monty Banks directing.

Detroit Receives "Daughter" With Handsome $15,000

DETROIT, March 21.—Michigan took $15,000 playing "Yes, My Darling Daughter" and "Let Us Live." The Fox, with "Wife, Husband and Friend," plus a stage show, did $12,000. "Stagecoach" second run, and "Torchy Blane in Chinatown" gave the Palms-State $9,000.

Estimated takings for the week ending March 16:

"Charlie Chan in Honolulu" (20th-Fox)
"The Arizona Wildcat" (20th-Fox)
ADAMS—(1,700) (15c-40c) 6 days. Gross: $5,000. (Average, $5,000)
"Wife, Husband and Friend" (20th-Fox)
FOX—(5,000) (20c-65c) 7 days. Stage: Patricia Bowman, Cass Daley, Nicholas Bros., 3 Reddingtons, 16 Dansonettes. Gross: $12,000. (Average, $20,000)
"Yes, My Darling Daughter" (W.B.)
"Let Us Live" (Col.)
MICHIGAN — (4,000) (20c-65c) 7 days. Gross: $15,000. (Average, $10,000)
"Stagecoach" (U.A.)
"Torchy Blane in Chinatown" (W.B.)
PALMS-STATE—(3,000) (15c-50c) 7 days. Gross: $9,000. (Average, $5,000)
"Let Freedom Ring" (M-G-M)
UNITED ARTISTS—(2,000) (20c-65c) 7 days. Gross: $8,000. (Average, $10,000)

'Stagecoach' Does $4,500, Montreal

MONTREAL, March 21. — "Stagecoach" drew $4,500 as the single feature at the Orpheum. Third week of "Gunga Din" at the Palace collected $6,000.

"Storm over Bengal" and strong vaudeville brought $7,000 to Loew's. "Honolulu" and "Strange Case of Dr. Meade" grossed $7,000 at the Capitol.

Estimated takings for the week ending March 16:

"Honolulu" (M-G-M)
"Strange Case of Dr. Meade" (Col.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,000. (Average, $8,000)
"Storm Over Bengal" (Rep.)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Stage: Dave Apollon and vaudeville. Gross: $7,000. (Average, $7,000)
"Stagecoach" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $5,000)
"Gunga Din" (RKO)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,000, 3rd week. (Average, $10,000)
"Wings of the Navy" (W. B.)
"Torchy Blane in Chinatown" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $5,500. (Average, $6,500)

Toronto Is Fighting Restoration of Tax

TORONTO, March 21. — Toronto Board of Control has refused to support the recommendation of the City Council of Windsor, Ont., that the Ontario legislature be requested to restore the amusement tax in the province, with the net revenue to be turned over to the municipalities on a basis of local collections. The Toronto civic fathers expect that the Provincial Government will boost the gasoline tax from six cents to eight cents per gallon and divide the extra revenue from this source with cities and towns.

Drops Sunday Show Bill

ALBANY, March 21.—Assemblyman William Webb has withdrawn his measure calling for a referendum on Sunday shows. The measure provided for a referendum by villages on a petition by 20 per cent of voters.

Clear the Tracks

They're Heading

DODGE CITY

Most Spectacular Ballyhoo Ever Put B

Train leaves Hollywood on March 30 with the most celebrated cargo of all time! Over 50 stars! Favorite Hollywood commentators and columnists! A complete broadcasting studio and newsroom! Two newsreel crews! To be covered by 3 radio networks, 185 newspaper critics from Minneapolis, Memphis, St. Louis, New York, Chicago, Dallas, and other key points!



for ACTION!

for Warner Bros.'

ROUND-UP

Find an Attraction - - March 31-April 1

It's all happening because of the simultaneous premieres in every theatre in Dodge City of

ERROL FLYNN
in
"DODGE CITY"
IN TECHNICOLOR, with
OLIVIA DeHAVILLAND
ANN SHERIDAN
BRUCE CABOT · FRANK McHUGH · ALAN HALE
John Litel · Henry Travers · Victor Jory · Wm. Lundigan
Directed by MICHAEL CURTIZ
Original Screen Play by Robert Buckner · Music by Max Steiner

The kind of sensational sendoff only Warners can give—for the kind of box-office sensation only Warners deliver!



NBC Previewing Television Shows Before Broadcasts

NBC yesterday began a preview of the television programs which will be offered to the public in the New York area beginning with the opening of the World's Fair. The previews, which will not be broadcast, are scheduled four afternoons a week.

Meanwhile, CBS also is unlimbering its television facilities, and this afternoon will guide newspapermen on a tour of inspection of its television transmitter in the Chrysler Building, which is intended to go into experimental operation late in April.

Purpose of NBC's television dress rehearsals is to familiarize the production staff with the new technical improvements made in the NBC-RCA facilities. In the past few months NBC has added 17 new men to its television staff.

Calls Improvement Great

According to O. B. Hanson, NBC chief engineer, who has caught the first test transmissions under the new improvements in his home in Connecticut, the improvement in picture resolution is nearly 50 per cent.

Principal changes in the NBC television transmitter are the installation of a new wideband antenna system and the addition of a sideband filter. To gain finer picture definition and more power, the modulator unit of the video transmitter also has been improved to accommodate higher frequencies. The studio control room in the NBC television studios has been entirely rebuilt and a new system of studio lighting installed.

The program schedule for the regular television service has not yet been completely set, although it is definite that, in addition to a number of live dramatization and live special event pickups, a good deal of film will be employed, including shorts material and features, for which negotiations are under way.

Silvey Honored by CBS at Lunch Here

R. J. E. Silvey, research director of the British Broadcasting Corp., recently arrived here, was guest of honor at a luncheon tendered him by CBS yesterday at the New Weston Hotel.

In attendance were Felix Greene, North American representative of BBC; Dr. George Gallup, American Institute of Public Opinion; C. E. Hooper, C. E. Hooper, Inc.; Arch M. Crossley, Crossley, Inc.; Percival White, Market Research Corp.; Arnold Johnson, J. Walter Thompson research director; Almon Taranto, William Esty agency; Ford Sammis, assistant to the president of Lord & Thomas; J. Brooks Emory, research director of Benton & Bowles; Robert M. King, research director of Batten, Barton, Durstine & Osborn; Hugh M. Bevil, chief statistician of NBC, and Dr. Frank Stanton, research director of CBS.

American Chicle Renews

American Chicle Co., sponsoring Adrian Rollini's trio and singers on WJZ, has renewed the series for 13 weeks, effective April 20. Badger Browning, Inc., placed the renewal.

Radio Personals

WILLIAM A. SCHUDT, general manager of WKRC, is in New York, as is Cecil Carmichael, WLW-WSAI press relations director . . . John Conrad, who recently resigned as program director of WLW, is on his way to New York and may settle here . . . Clarence Pettit, former director of public relations at KDKA, Pittsburgh, has arrived here to start his new duties as assistant to the manager of guest relations of NBC . . . Howard Harris has just had his option renewed for 13 more weeks as writer on the Phil Baker show.

Contest CBC Right To Ban Beer Shows

MONTREAL, March 21.—The right of the CBC to enforce a ban on programs advertising beer has been challenged and the broadcasting company may seek an opinion from the Federal Department of Justice. CBC officials are meeting here with representatives of the artists, musicians and breweries, who are protesting the ban, scheduled to become effective April 1.

Gladstone Murray, general manager of CBC, and several of the company governors are hearing Louis St. Laurent for the artists and B. Panet-Raymond for the breweries. Representatives of the Quebec Temperance League, Salvation Army and several Catholic organizations have been heard in support of the ban.

It is believed the broadcasters may offer CBC a limitation of the number of programs and a reduction in advertising as a concession toward an amicable settlement of the controversy.

Crews Bill Amended

ALBANY, March 21.—Following widespread protest, the Crews motion picture bill was amended today to exempt amateur movie projection machines in private dwellings from a provision which would have required licensed operators to run them.

Para. Signs Borzage

HOLLYWOOD, March 21.—Paramount today signed Frank Borzage to direct "Disputed Passage," Lloyd C. Douglas story featuring Dorothy Lamour, Akim Tamiroff and Robert Preston.

Film English Football

LONDON, March 21.—British newsreel companies have obtained permission to film the Football Association Cup Final at Wembley this year, but no permission for television has yet been given.

Chicago Passes "Camp"

CHICAGO, March 21.—"Concentration Camp," Amkino release, has been given a censor permit here, after having been banned originally.

Networks Broadcast US Protest to Reich

All network programs, on CBS, NBC and Mutual, were interrupted at 12:43 P. M. yesterday to permit the reading of the full text of the U. S. State Department's protest to Germany over the seizure of Czecho Slovakia. NBC and CBS also short-waved the text of the protest around the world.

US Films Dominate Market in Finland

WASHINGTON, March 21.—Of the total of 378 features reviewed by the censor board of Finland in 1938, 201 were American, according to a report to the U. S. Department of Commerce from the American Consulate in Helsinki. In 1937, American films accounted for 186 of a total of 330. For the fourth quarter of 1938, 115 films were reviewed, of which 55 were from the United States.

In the 1938 listing, Germany was second as a source, with 56, France sent 55, Sweden, 24, England, 10, and Finland produced 19 features. Only 10 features were rejected in 1938, eight American and two French. Theatres in Finland have shown a steady rise, with 243 in 1936, 269 in 1937 and 337 last year. The seating capacity of the 337 houses is given at 94,000.

Television Leading Topic for S.M.P.E.

All leading television units will contribute reports to the television symposium which will be a feature of the spring convention of the Society of M. P. Engineers at Hollywood, April 17 to 21. Those who will send representatives include RCA, NBC, CBS, DuMont and Don Lee Broadcasting. Dr. A. N. Goldsmith, chairman of the S.M.P.E. television committee, also will report to the meeting.

Visits to the Paramount and Warner studios are being arranged for the conventioneers by Loren L. Ryder and Major Nathan Levinson.

Disclose Briggs Buy Of Monogram Option

WASHINGTON, March 21.—Acquisition of 6,194 options for Monogram Pictures common stock by O. Henry Briggs, New York, director, in January, has been reported by the Securities and Exchange Commission.

The semi-monthly summary of the S.E.C. showed also that in December, Robert L. Daine, New York, officer, disposed of 51 shares of Trans-Lux common, leaving him with 2,500 shares.

Circuit Nets $6,035

LONDON, March 21.—The worst trading conditions in the company's history are blamed by the directors of British Cinematograph Theatres, Ltd., for the 1938 profit, after paying various charges, of $6,035.

Kaliski to GN Post in Hub

Joseph Kaliski has been appointed as manager of the Boston exchange of Grand National Pictures. He replaces Sig Wittman.

Universal Corp. Sets '38 Loss at $713,783

Universal Corp. and domestic subsidiaries report net loss for the fiscal year ended Oct. 29, 1938, of $713,783. After including $27,537 equity in profits of foreign subsidiaries and after $141,152 provision for cumulative dividends for the year on the 8 per cent first preferred stock of Universal Pictures, there was a loss of $827,398 carried to deficit account.

Universal Corp. is a holding company for a number of the Universal operating subsidiaries.

Clearance a Topic At Allied Meeting

Max A. Cohen, president of New York Allied, and E. Thornton Kelly, executive secretary, leave today for Syracuse to attend a meeting of independent exhibitors sponsored by the organization, at the Syracuse Hotel Thursday.

The meeting will start at 11 o'clock and continue during the day. Allied is attempting to get clearance relief for independents, and this situation will be discussed by Cohen, who will preside. An outline of pending New York legislation will also be given. H. M. Richey, director of theatre relations for RKO, will be a guest speaker.

Heads of all regional Allied units as well as national leaders will be invited to attend the New York unit's "World's Fair" convention here May 23 to 25.

B. & K. Plans Drive For Second Quarter

CHICAGO, March 21.—A drive among managers for increased business will be held by Balaban & Katz from March 31 to June 30, the second quarter, in honor of John Balaban, head of the circuit.

The campaign will include cash prizes totaling $2,500. The theatres in the circuit have been divided into five groups for purposes of the drive, Loop houses, "A" houses, "B" houses, "C" houses and general release houses. In each division first prize will be $250, and a week's extra vacation with pay; second will be $150 and third $100, except in the Loop group, where no third prize is offered. An additional $100 "surprise award" will be given. Managers heard details of the drive at a meeting at the Congress Hotel yesterday.

British Union Drops Sunday Shows Fight

LONDON, March 21.—Following publication and discussion of the threat of the National Association of Theatrical and Kine Employes to oppose Sunday opening in disapproved districts, the association unanimously has rejected the plan.

It was decided that the motion offered a threat contrary to the spirit of the conciliation machinery created between the N.A.T.K.E., and the Cinematograph Exhibitors' Association.

To Make "U" Westerns

HOLLYWOOD, March 21.—Albert Ray has been signed by Universal to produce seven Johnny Mack Brown westerns for the new season.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 56 NEW YORK, THURSDAY, MARCH 23, 1939 TEN CENTS

Metro Sales Will Be Along Lines of Pact

Rodgers at Chicago Meet Reveals Concessions

CHICAGO, March 22.—William F. Rodgers, general sales manager of M-G-M, today announced the adoption of four provisions of the proposed trade practice program as sales policy for the company beginning with 1939-'40 deals. They are:



W. F. Rodgers

1. Abolition of the score charge.
2. No coercion of exhibitors by threats to build or acquire theatres in opposition.
3. Elimination of preferred playing time on deals calling for guarantee against percentage.
4. Shorts, newsreels and trailers will be sold separately from features.

Other provisions of the proposed program will be incorporated in contracts retroactively if and when it is adopted nationally.

"Desire Arbitration"

Clearance problems and disputes involving overbuying will be dealt with through arbitration, when the industry sets up the machinery. "We desire

(*Continued on page 3*)

Must Stop Duals, Lichtman Declares

Chicago, March 22.—"Double and triple features will ruin the industry if they are not stopped soon," said Al Lichtman, M-G-M vice-president, at the company's luncheon for exhibitors at the Palmer House here today.

Lichtman declared that both exhibitors and distributors must cooperate to rid the industry of multiple features. He said all companies must be encouraged to make superior product if business is to improve. More big pictures of high quality are needed from all companies, he said.

92 Films Registered Under Quota in Year

London, March 22.—Oliver Stanley, president of the British Board of Trade, reported in the House of Commons today that 92 features were registered under the quota provisions of the Films Act between April 1, 1938, and March 18, 1939. He put the average cost of the films at about $15 per foot, and declared himself satisfied that there has been an improvement in film quality.

Canada Film Board Measure Opposed

OTTAWA, March 22.—After speedily passing three readings in the House of Commons the act to create a National Film Board for Canada struck the first serious opposition in the Senate last night.

The bill, which would consolidate the film activities of several Government departments under one body to increase production and distribution efficiency was branded by opposition members as an expensive addition to the cost of government. Senator Arthur Meighen, opposition leader, believed the Government should have its film work done by commercial companies instead of appointing "another commission and another batch of civil service." Senator Raoul Dandurand, Government Leader, defended the bill as a progressive measure in the direction of economy.

As the bill now reads there would be but one salaried official in the eight-man board, others being given expenses when traveling on business and allowance being made for temporary employes when films are in production.

Mills Says Ascap Will Consider Any Proposals of NAB

TOPEKA, KAN., March 22.—E. C. Mills, chairman of the administrative committee of Ascap, today told MOTION PICTURE DAILY that Ascap will gladly consider any proposal that the National Association of Broadcasters have to make. Mills' statement was in answer to a query seeking comment on the N.A.B.'s recent action in branding its present deal with Ascap as inequitable.

"But we can make no definite comment until Ascap's board of directors has before it full details of the broadcasters' proposals," he added.

"The present formula for licensing stations was in all respects approved by the N.A.B. at the time it was effected. Ascap is entirely receptive to any sincere proposal made by any group authorized to speak for the broadcasters."

Mills is in Topeka to appear tomorrow before the House Judiciary Committee on the Nickell anti-Ascap bill.

Arthur Kelly Is Due From Abroad Today

Arthur W. Kelly, vice-president in charge of foreign distribution for United Artists, arrives today on the *Queen Mary* after several months abroad. He visited South Africa and surveyed the European situation.

Other passengers are Sir Gordon Craig, general manager of British Movietone News, and R. Sutton Dawes, British sales manager for 20th Century-Fox; Sir William Wiseman of Kuhn, Loeb & Co., former Paramount director; Mrs. Leslie Howard, wife of the film player, and their daughter, Leslie, and Terry Kilburn, young film player.

Browne Here For Parleys On IA Strike

Deadline Is Lifted as Talks Continue

George Browne, president of the I.A.T.S.E., is here to take personal charge of action by his union in its demands that distributors refuse to provide films to theatres not affiliated with the I.A.T.S.E. organization.

Deadline for the strike call of I.A.T.S.E. and Projectionists' Local 306 over the demands was lifted yesterday to permit industry attorneys further opportunity to arrive at a peaceful solution of the situation.

Meeting of industry attorneys yesterday with George Z. Medalie, representing the union, was inconclusive and resulted in decision to hold further meetings at a later date.

Two-Hour Meeting

Yesterday's meeting of attorneys lasted about two hours and was concerned mainly with the legal angles involved in the union's demand. The attorneys discussed the legality of doing what the union demands.

Meanwhile, no strike date has been set by the labor organization but action can taken by the unions at any time, as the membership authorized a strike a week ago. Attorneys have hopes of achieving an amicable settlement of what is potentially one of the most serious union situations to con-

(*Continued on page 3*)

Would Drop All Missouri Anti-Show Business Bills

JEFFERSON CITY, MO., March 22.—Included in the 212 bills which a revision committee of the legislature has recommended be immediately dropped from consideration are the theatre divorcement measure sponsored by Representatives Turner and Smart; Representative Hayden's bill creating a state censor board with sweeping powers; the two House chain store tax bills which had been combined, and the two anti-Ascap bills introduced last week.

It is considered unlikely that any of these bills, which make up all of the important legislation affecting the motion picture business, will be revived, although the revision committee's recommendation is not a final purge of the bills it named.

The anti-Ascap measure introduced by Representatives Turner and Hamlin, had the support of the Kansas-Missouri Theatres Association. The bill of Representatives Asotsky and Gill of Kansas City was an identical measure except for three sections dealing with enforcement, and both were based on the Washington state law.

SWG Turns Down Producers' Terms

Hollywood, March 23.—Members of the Screen Writers Guild, at a mass meeting last night in the Roosevelt Hotel, unanimously voted to instruct their executive board to continue with the NLRB hearing which resumes today before Special Examiner James C. Batten.

There is an impasse on three points between the SWG and the producers: (1) length of contract; (2) extent of Guild shop; (3) right of writers to write and own material during layoff periods.

The SWG members also authorized appointment of a committee to investigate possibilities of labor affiliation.

Theatre Building Declines in East

Theatre building in the 37 states east of the Rocky Mountains during January and February dropped from the contract valuation established in the corresponding months last year, according to Dodge Reports, news division of F. W. Dodge Corp.

Building contracts for new houses and major alterations in the 37-state area totaled $1,965,000 during the two months. Total of 96 projects, with 254,000 square feet of floor area, were involved.

Last year in the corresponding months, the contracts were valued at $3,556,000, involving 110 projects with 408,000 square feet.

January contracts totaled $811,000, as compared with $1,187,000 in 1938 and $1,416,000 in 1937. In February the total was $1,154,000, as compared with $2,369,000 in 1938 and $1,977,000 in 1937.

Wilmington House Asks Picketing Ban

WILMINGTON, March 22.—A perpetual injunction was asked to restrain picketing of the New Rialto Theatre in Chancery Court today. The bill was filed by owners against Projectionists Local 473 I.A.T.S.E. and others. The projectionists went on strike six weeks ago to force a new contract. Defendants must show cause before March 30.

Delay Para. Board Meet

Monthly meeting of the Paramount board of directors, scheduled to be held today, has been postponed to March 30 because of the absence from the city of several board members. Plans for retirement of the final $1,750,000 of the company's outstanding six per cent debentures, due in 1955, are scheduled to be discussed at the meeting.

Altec in Circuit Deal

L. W. Conrow, president of Altec, disclosed on his return from a three-week trip to the Midwest and south that a deal has been closed for servicing Minnesota Amusement Co. theatres in Minnesota, North and South Dakota and Wisconsin. Deals have been closed in the past month to service more than 250 theatres, he said.

Merivales at Newport

NEWPORT, R. I., March 22.—Philip Merivale and his wife, Gladys Cooper, will co-star in "Spring Meeting" the week of July 25 to inaugurate the six-week season of the Casino under Actor-Managers, Inc. Helen Arthur returns to the summer playhouse for the fifth season as executive director.

'Bell' at Roxy March 31

"The Story of Alexander Graham Bell" will open at the Roxy here March 31. National release will be April 14.

For Lunch, Dinner or Supper
LaHIFF'S TAVERN
The Industry's
MEETING and EATING PLACE
156 W. 48th St. Tel. CHickering 4-4200

Purely Personal

HOWARD DIETZ, SI SEADLER, JOSEPH R. VOGEL and PETE SMITH arrived by plane last night from the Metro convention in Chicago. Others are due today by train.

•

MERLE OBERON, who has just finished work in SAMUEL GOLDWYN'S "Wuthering Heights," leaves the coast for New York by train Saturday, and will sail for England on the *Normandie* next Wednesday.

•

EARLE G. HINES, WALTER E. GREEN and M. V. CARROLL, executives, have returned to New York after attending a series of district meetings of National Theatre Supply branch managers throughout the country.

•

CRESSON E. SMITH, western and southern sales manager for RKO, will leave New York Sunday on a tour of Midwest district exchanges.

•

ROY ROWLAND has completed the second of three M-G-M ROBERT BENCHLEY shorts at the Eastern Service studios. BENCHLEY is due to return to the coast the first week in April.

•

LENNORE LEWIS, 10-year-old of the Broadway stage, has been signed by JOSEPH ORNATO for a comedy shorts series for Century Television Pictures, Inc.

•

MR. and MRS. ARMAND DENIS, who produced "Dark Rapture," will leave their Putnam, Conn., home April 15 to film Tibetan customs in the Far East.

•

A-MIKE VOGEL, Chairman and Editor of Managers' Round Table department of *Motion Picture Herald,* celebrates his birthday today.

•

BERNARD KRANTZE, manager of RKO's Albany exchange, has returned to his office after a vacation in Florida.

•

BOB WOLFF, RKO branch manager, returns Monday from a three-week Florida vacation.

•

SAM and I. A. ROTH and WALTER HOFFMAN, New Jersey exhibitors, will return from Florida April 1.

•

CLIFFORD SMITH, film buyer for the Comerford theatres in New Jersey, has returned from Florida and is now visiting in Chicago.

•

HERMAN SILVERMAN, RKO booker, is the father of a girl, REBECCA.

•

HELEN MATTHEWS, owner of the Star in Jamesburg, N. J., is back from Florida.

•

HARRY DAVID is here from Salt Lake City for conferences at the Paramount home office.

•

JAMES POLLACK of the west coast studios of National Screen Service is in town with MRS. POLLACK for a brief visit.

•

MOE KRIDEL, operator of the Colonial and Palace in East Orange, N. J., has returned from a seven-week Florida vacation.

MRS. EMANUEL SILVERSTONE, wife of ALEXANDER KORDA'S American representative, gave birth to a daughter at Lenox Hill Hospital yesterday.

•

HARRY BRANDT, president of the I.T.O.A., returns from Chicago today.

•

JAMES FINEY of the Walt Disney eastern office is recovering at Beth Israel Hospital from a recent operation. He expects to be discharged from the hospital in about two weeks.

•

GEORGE EMMOTT of the Newbury circuit, New Jersey, has returned from Florida. LEE NEWBURY, head of the circuit, is expected back shortly from a Cuba vacation.

•

BEULAH LIVINGSTONE, formerly with Universal, has been named publicity director of Film Alliance of the U. S., Inc., HARRY BRANDT'S new company.

•

JACK BURK, RKO Seattle salesman, is recovering from injuries sustained in an automobile collision.

•

LESTER THOMPSON, head of the Advertising Advisory Council, is confined to his home with an ear infection.

•

CHARLO, Argentine singer, was honored at a cocktail party given by RAMOS COBIAN at the Edison.

•

H. M. RICHEY, director of exhibitor relations for RKO, flies to Syracuse this morning to address an Allied meeting this afternoon.

•

DAVE LEWIS, M-G-M managing director in Argentina, is mourning the death of his father in Buenos Aires.

•

FRANK PHELPS, Warner labor contact, is vacationing in Miami for two weeks.

•

W. H. GRUBEN has joined Monogram's Dallas office, covering the east Texas zone.

•

IKE LIBSON, Cincinnati exhibitor, and his brother ABE, have returned home after several weeks in Florida.

•

JOSEPH H. SEIDELMAN, Universal foreign manager, returns to New York next Tuesday from a month's trip to South America.

•

ANTHONY PETTI, secretary to J. CHEEVER COWDIN, is at the Universal studio for a brief visit.

•

CHARLES D. PRUTZMAN, Universal general counsel, returns Monday from a southern trip.

•

MR. and MRS. WILLIAM DIETERLE are in town from Hollywood, stopping at the Waldorf-Astoria.

•

MICHAEL RUDEN of Rapf, Ruden and Lederer will return April 1 from a Florida vacation.

•

BILL LEVINE of the William Brandt office is vacationing in Lakewood, N.J.

•

MAJOR L. E. THOMPSON of RKO is in Florida.

400 at Funeral of Maurice Goodman

About 400 attended funeral services in Temple Emanu-El yesterday for Maurice Goodman, counsel for Trans-Lux Corp. and former general counsel for RKO. Burial was at the Salem Fields Cemetery, Cypress Hills, Brooklyn.

Among the executives and others attending the services were the following: Ned E. Depinet, vice-president of RKO; Jules Levy, RKO general sales manager; Nate Blumberg, president of Universal; John J. Murdock, Martin King, Mark Hyman, Milton Mayer, Malcolm Kingsberg, Louis Goldberg, William Kerman, Lawrence Green, Walter Reade, Ben Moss, Roy Byron, Phil Stern, Senator Henry Walters, Ed Bloomberg, Thomas Lamb, Martin Beck, John Maloney and John Maloney, Jr.

Ross Federal Holds District Meet Here

Ross Federal Service district managers are meeting here with home office officials. The meeting started yesterday. Attending are Harold Lund, district manager at Pittsburgh; Walter I. Brown, Minneapolis; Walter Anderson, Charlotte, and J. A. Kraker, Philadelphia.

Harry A. Ross, president, is conducting the conferences. Executive office members attending are F. X. Miske, E. Wall, D. A. Ross, C. B. Ross and R. E. Ross.

Nat Wolf's Mother Dies

CLEVELAND, March 22. — Esther Fanny Wolf, mother of Nat Wolf, Warner zone manager here, died yesterday at the home of a daughter, Mrs. Charles Albert, in San Antonio, it was learned here. The funeral will be held in Houston tomorrow, for which city Mr. and Mrs. Wolf left by plane today.

Jersey Allied to Meet

Allied of New Jersey will hold a statewide meeting, probably at New Brunswick, about the middle of April. The tentative date is April 13. State legislation will be a topic.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Union Pacific Board Will Meet in Omaha

Omaha, March 22.—For the first time in the 75-year history of the railroad, the board of directors of the Union Pacific this year will hold its annual meeting outside of New York.

The meeting will be held here April 27 in honor of the world premiere of "Union Pacific." Members of the board, headed by W. A. Harriman and including many industrialists and financiers will come here by special train.

British Screen Aid in War Being Organized

LONDON, March 22.—British Ministry of Labor has created a new department designed to consolidate the aid to be expected from the film industry in the way of propaganda in the event of a national emergency.

Bryan Wallace, scenarist, has been appointed film advisor in the national service. He will aid in the collaboration between the Government and its armed forces, and the producers and exhibitors.

Browne Is Here for Parley on IA Strike

(Continued from page 1)

front the industry in years. I.A.T.S.E. is in the position of being able to call out employes in any branch of the industry and in many different localities and the first move, if the attorneys' parleys fail, is regarded as being up to the union.

HOLLYWOOD, March 22.—Contempt charges brought by I.A.T.S.E. officers against Technicians Local 27 were set for hearing March 20 by Federal Judge Wilson today. The charges will be consolidated with hearing on the injunction obtained by the local yesterday restraining International officers from representing the local.

Consolidated Film's Holders Meet Today

Four directors are scheduled for reelection at the annual meeting of Consolidated film stockholders to be held at 11 A. M. today at the home office. They are Edward C. Dearstyne, Herbert J. Yates, Jr., Joseph L. Aller and Richard W. Altschuler. Each will serve for three years. Stockholders of record as of March 2 will be entitled to vote.

Dismisses $500,000 Shirley Temple Suit

HOLLYWOOD, March 22.—Jack Hays' $500,000 suit for alleged breach of contract in the management of Shirley Temple was dismissed today. The suit was filed against Shirley's parents originally in 1936.

Howard on Guild Show

Leslie Howard and Kay Francis will co-star in the O. Henry Memorial Award story, "Never of this World," in the Screen Actors' Guild show on Sunday. Sidney Franklin will produce the program.

Metro Sales to Be Along Trade Pact Line—Rodgers

(Continued from page 1)

and solicit arbitration," Rodgers said.

He added that "the right to grant clearance is in our hands and it is our right to give what clearance we feel is just and fair."

M-G-M will continue the box-office "yardstick" formula to rentals which has been in effect for two years. Under this policy each film is tested at a number of representative runs before being classified.

"We will expand various forms of testing box-office drawing power as the situation demands," Rodgers said. Al Lichtman, vice-president of the company, declared that Metro thus will inaugurate a policy of "no blind booking."

To Sell in Five Groups

M-G-M's 36 "A" pictures will be sold in four groups. Four films will be in the top bracket, 10 in the second, 10 in the third and 12 in the fourth. The 16 films in the "Balanced Group" will be sold either flat or on percentage.

The policy generally will be elastic and flexible, with varying situations taken into consideration. In addition to benefiting exhibitors, the company feels this will give the studio more leeway in the handling of productions.

Rodgers stated that "Gone With the Wind" will be sold apart from the program on an exclusive contract. This is the only outside production scheduled. Selznick International plans to complete the film in the fall.

"Most Expensive" Production

Lichtman told the company's convention, which ended today, that during the coming year M-G-M "will undertake the most expensive production program ever planned by any company."

He disclosed that last year the company spent $42,500,000 on 52 pictures, plus $10,000,000 for prints and advertising. Rental from the United States and Canada last year totaled $49,000,000, he said, so the difference had to be made up from abroad. Foreign developments, therefore, will have a great bearing on the future of the company, he declared.

There was 10,566 contracts signed by M-G-M during the current season, he announced.

Lichtman also spoke today at a luncheon at the Palmer House. About 400 were present, including 175 exhibitors in the Chicago area and convention delegates.

Kirsch Talks at Luncheon

Jack Kirsch, president of Allied of Illinois, addressed the luncheon and said that 95 per cent of the 170 theatres in his organization were "ready and anxious" to return to single features if the circuits would do so.

Ed Kuykendall, M.P.T.O. A. president; Col. H. A. Cole, Allied States head, and Harry Brandt, president, New York I.T.O.A., were introduced. Rodgers and other sales executives spoke briefly.

Division Managers T. J. Connors and E. M. Saunders and the district managers held individual meetings today. W. R. Ferguson, exploitation manager, met with his field staff tonight and discussed plans for the coming season. He said M-G-M's 70 exploitation services would be expanded to more than 100.

Delegates began leaving tonight. Rodgers plans to arrive in New York Friday morning.

Favor R. I. Bill for Sunday Stage Plays

Providence, March 22.—State Senate Judiciary Committee has reported out with recommendation for passage, the Di Mascolo bill amending Rhode Island's Sunday entertainment law by authorizing presentation of legitimate attractions.

Plans Nick Carter Series

HOLLYWOOD, March 22.—M-G-M has acquired screen rights to the Nick Carter detective stories, which will be the basis of a new series for the 1939-'40 season. The studio has signed William Powell to a new long-term contract, Norman McLeod to a new long-term directing contract, Irv S. Brecher, writer, and Sam Messenheiner in the music department.

Hicks Sails Saturday For Home Office Talk

John Hicks, vice-president and foreign head for Paramount, will leave England for New York on the *Normandie* on Saturday for a series of home office conferences. After about a month here he will make a tour including Australia and South American cities to confer with exchange heads and exhibitors.

Lee Joins Paramount

GAINESVILLE, Fla., March 22.—Claude F. Lee, Sparks circuit executive, said today he had accepted an assignment with Paramount Pictures, Inc., to make a study of theatre public relations from a national standpoint.

Paramount home office officials were unable to explain the nature of the assignment referred to, asserting that they had no knowledge that such an assignment had been made.

Shift Policy in K. C.

KANSAS CITY, March 22.—Fox Esquire, downtown first run next door to the Fox Tower, has inaugurated a new policy of playing first run pictures on holdover from first runs others than those in the Fox group. The new policy will be carried out whenever possible.

Sues on Parking Space

OMAHA, March 22.—Suit for $20,200 damages has been filed by Mrs. Rose I. Robinson against the R. D. Goldberg Theatres Corp. It is alleged that the defendant company opened a parking space next to the plaintiff's property, causing depreciation.

Moss Planning New Chance Games Test

Balked by the grand jury's refusal to indict in the lottery case against the Jewel Theatre in Harlem, License Commissioner Paul Moss now plans other court action as a legal test of chance games in New York City.

The Commissioner will attack the problem from a new angle, probably in two weeks. Although details of his contemplated procedure are not known, it is understood he plans to bring the management of a theatre to court on charges of operating a lottery.

Commissioner Moss wanted the Jewel case tried in Special Sessions by three judges and opposed transfer of the case to General Sessions for grand jury action and a subsequent jury trial. He had pinned his hopes for elimination of games on the Jewel case and had declared that conviction would result in suspension of the theatre's licence.

Anti-Block Booking Measure in Illinois

CHICAGO, March 22.—Representative Lund is introducing a bill before the Illinois legislature seeking to prohibit blind selling and compulsory block booking. The bill is before the House Judiciary Committee where Representative Schnackenberg proposed it be rewritten to ban double features.

RKO Gets Cronin Novel

HOLLYWOOD, March 22.—Purchase of Dr. A. J. Cronin's novel "Vigil in the Night" by RKO was disclosed in a wire from Pandro S. Berman in Chicago to the studio. Carole Lombard will be starred in the picture under the direction of George Stevens.

Freed of Game Charge

DECATUR, Ind., March 22.—A jury has acquitted Roy and Isadore Kelvers, theatre operators here, of charges of operating a lottery and acting as agents of a lottery for holding Bank Night in their house. The case was the first court test in Indiana of theatre chance games.

Test Film Cabinet

N. D. Golden, head of the motion picture division of the U. S. Department of Commerce, was present at a fire test yesterday by Neumade Products of a new type of film cabinet. Films were placed in a cabinet and a fire set around it. The films were taken out undamaged.

Selznick Purchases Play

HOLLYWOOD, March 22.—David O. Selznick has purchased film rights to "Flashing Stream," London stage success, which will be directed by Alfred Hitchcock under his contract with Selznick International.

Indicted on Copyright

FORT WORTH, March 22.—Howard Goldin has been indicted by a Federal Grand Jury here on a charge of copyright infringement of the picture "Film of the Penitentes."

Garrett to Monogram

Charles Garrett has been named manager of foreign exchange operations for Monogram, by Norton V. Ritchey, foreign manager.

"Thru-Tickets" For

THE SISTERS

FOUR DAUGHTERS

BROTHER RAT

ANGELS WITH DIRTY FACES

DEVILS ISLAND

BLACKWELLS ISLAND

DAWN PATROL

YOU CAN'T GET AWAY WITH MURDER

I AM NOT AFRAID

OKLAHOMA KID

FAMILY REUNION

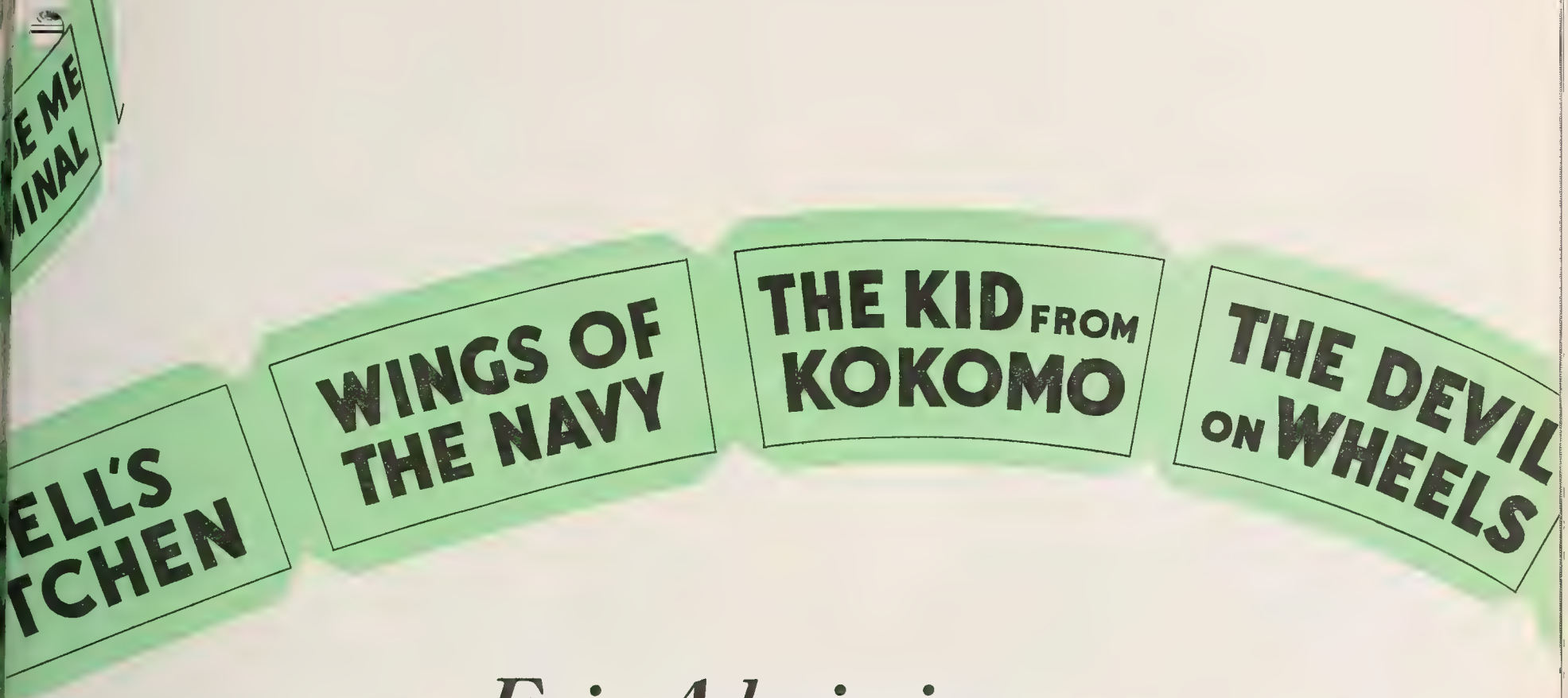
NAUGHTY BUT NICE

YES MY DARLING DAUGHTER

DODGE CITY

EACH DAWN I DIE

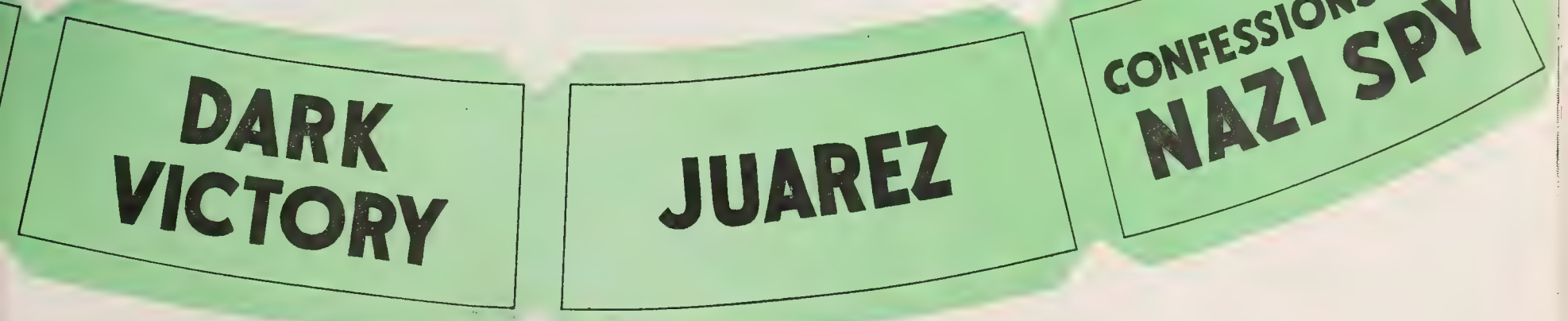
A Successful Year!



Fair Admission:

We admit we can't make all the pictures--so we only make the best.

Warner Bros.



MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Feb. 17	My Son Is a Criminal *Alan Baxter Jacqueline Wells*	Fast and Loose (G) (C) *Montgomery Russell*	Little Pal (re-issue) *Mickey Rooney Ralph Bellamy*	Boy Trouble (G) (D) *Ruggles*	Forged Passport (G) (D) *Paul Kelly June Lang*	Gunga Din *McLaglen* Star of Midnight (reissue) The Lost Patrol (reissue)	The Three Musketeers (G) (C) *Don Ameche Ritz Bros. Binnie Barnes*	King of the Turf (G) (D) *Menjou Dolores Costello*	You Can't Cheat an Honest Man (G) (C) *W. C. Fields*	Nancy Drew, Reporter (G) (D) *Granville*	Renfrew Saves a Lady (Renfrew Series) *James Newill* (Feb. 10)
Feb. 24	Let Us Live (G) (D) *Fonda O'Sullivan*	Let Freedom Ring (G) (D) *Eddy L. Barrymore McLaglen*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation (A) (D) Sunset Trail (3857) (G) (O)	I Was a Convict (G) (D) *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Society Smugglers (G) (D) *Preston Foster Irene Hervey Walter W. King*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	
March 3	Romance of Redwoods (O) *Bickford*	Pygmalion (G) (C) *Leslie Howard Wendy Hiller*	Mystery of Mr. Wong (G) (D) *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Carroll MacMurray* 3826		Twelve Crowded Hours (A) (D) *Richard Dix Lucille Ball*	Wife, Husband and Friend (G) (C) *Loretta Young Baxter*	Stagecoach (G) (O) *Claire Trevor John Wayne Andy Devine*	Risky Business (G) (D) *George Murphy Dorothea Kent*	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	
March 10	Blondie Meets the Boss (G) (C) *Arthur Lake*	Ice Follies of 1939 (G) (D) *Crawford Stewart Lew Ayres*	Mystery Plane (G) (D) *John Trent Polly Ann Young*	The Beachcomber (A) (C) *Laughton Lanchester* 3863	Rough Riders Round-Up (G) (O) *Roy Rogers Mary Hart*	The Saint Strikes Back (G) (D) *George Sanders Wendy Barrie*	Inside Story (G) (D) *Michael Whalen Jean Rogers*	Prison Without Bars (A) (D) *Corinne Luchaire Edna Best Barry Barnes*	Spirit of Culver (G) (D) *Jackie Cooper Bartholomew Andy Devine*	The Oklahoma Kid *Cagney Bogart Rosemary Lane*	
March 17	Lone Star Pioneers *Bill Elliott Dorothy Gulliver*	Within the Law (G) (D) *Ruth Hussey Rita Johnson*	Trigger Smith (O) *Jack Randall*	King of Chinatown (G) (D) *Anna May Wong Tamiroff* 3827	My Wife's Relatives (G) (C) *Lucille, James and Russell Gleason*		The Little Princess (G) (D) *Shirley Temple Richard Greene Anita Louise*		Mystery of the White Room *Bruce Cabot Helen Mack*	Adventures of Jane Arden (G) (D) *Rosella Towne William Gargan*	
March 24	Whispering Enemies (G) (D) *Jack Holt Dolores Costello*	Sergeant Madden *Wallace Beery*	Undercover Agent *Russell Gleason Shirley Deane*	Midnight *Colbert Ameche* (G) (C) 3828		Trouble in Sundown (G) (O) *O'Brien*	Everybody's Baby (A) (C) *(Jones Family)*		Three Smart Girls Grow Up (G) (C) *Deanna Durbin Winninger*	Blackwell's Island (G) (D) *Garfield Rosemary Lane*	
March 31	North of the Yukon *Starrett Winters*	Society Lawyer *Pidgeon Bruce Carrillo*	Streets of New York *Jackie Cooper*	Sudden Money (G) (C) *Ruggles* Silver on the Sage *William Boyd*	Mexicali Rose (O) *Gene Autry*	Almost a Gentleman (G) (D) *James Ellison*	Hound of the Baskervilles *Greene Rathbone*		Family Next Door *Hugh Herbert Joy Hodges*	On Trial *John Litel Margaret Lindsay*	
April 7	The Lady and the Mob (G) (C) *Fay Bainter Ida Lupino*	Broadway Serenade *MacDonald Ayres Ian Hunter*	Boys' Reformatory *Frankie Darro*	I'm From Missouri (G) (C) *Bob Burns* 3830		Love Affair (G) (D) *Boyer Irene Dunne* Flying Irishman (G) (D)	Mr. Moto in Danger Island (G) (D) *Lorre Hersholt*	Wuthering Heights *Oberon Olivier Niven Flora Robson*	East Side of Heaven *Bing Crosby Joan Blondell Mischa Auer*	Dodge City *Flynn de Havilland Ann Sheridan Bruce Cabot*	
April 14	First Offenders *Walter Abel Beverly Roberts*	Calling Dr. Kildare *Lionel Barrymore Lew Ayres*	Wolf Call *John Carroll Movita*	Bulldog Drummond's Secret Police Never Say Die	The Night Riders O *John Wayne*	They Made Her a Spy *Sally Eilers Allan Lane*	Story of Alexander Graham Bell *Ameche Loretta Young Fonda*			Women in the Wind *Kay Francis William Gargan Victor Jory*	
April 21		Lucky Night *Robert Taylor Myrna Loy*	Wanted by Scotland Yard *Stevenson* Man from Texas	Back Door to Heaven *Erwin Wallace Ford McMahon*		Fixer Dugan *Lee Tracy Peggy Shannon*	Winner Takes All *Tony Martin Gloria Stuart* Inspector Hornleigh	Zenobia *Hardy Langdon Burke*	Big Town Czar *MacLane Ed Sullivan*	Dark Victory (G) (D) *Bette Davis George Brent Bogart*	



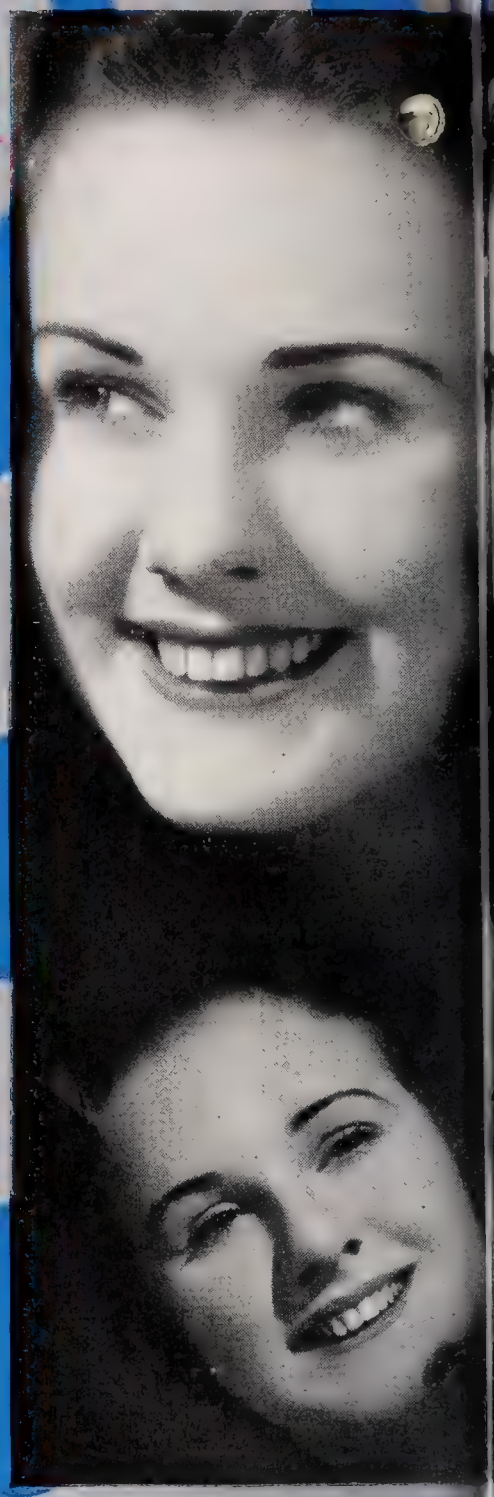
A LETTER TO EXHIBITORS

This picture is going to make more money for you than any other we have ever produced. Magazines and newspapers the country over are going to call it the "Picture of the Year." Critics will drum their desks trying to beat out new adjectives of super-delight. Theatre operators will call each other up and cry with envy or chirp with joy (depending whether they have it coming or not). People will talk about it—especially women, who will double-talk, in their enthusiasm. It will definitely be held over indefinitely—and give you the most prolonged date with profit you have ever had!

HEART POWER

MA

DEANNA'S



The New Universal Presents

Deanna

DURBIN

with

Nan **GREY** · *Helen* **PARRISH**

in

"3 SMART GIRLS

and *Robert* **CUMMINGS** · *Charles* **WINNINGER**

William **LUNDIGAN**

Original Screenplay by Bruce Manning and Felix Jackson

PRODUCED BY JOE PASTERNAK

A HENRY KOSTER PRODUCTION

Directed by Henry Koster



G N I T U D E . . .

"PERSON-TO-PERSON" PICTURE!

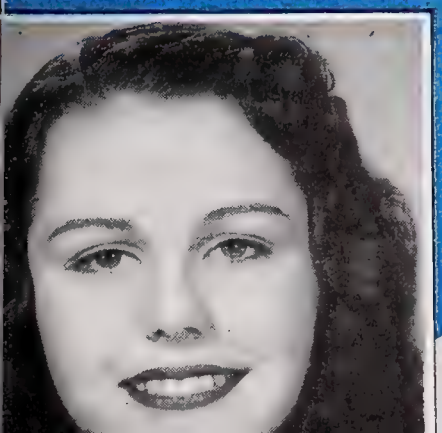
She sings your favorites!

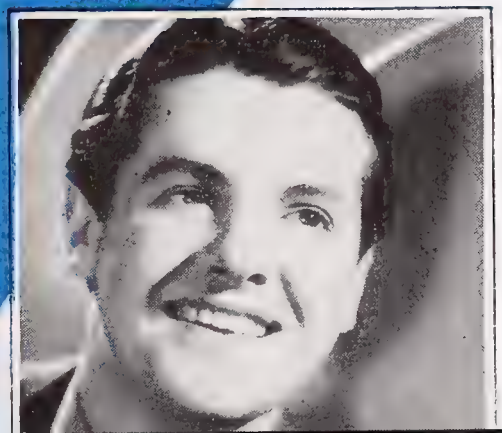
It's **SPECIAL ACADEMY AWARD** *Deanna now!*

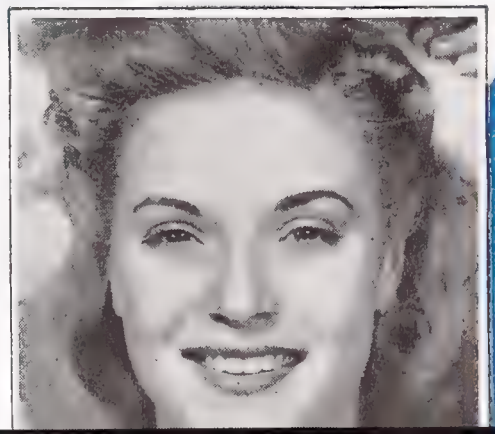
GROW UP"

Pre-release
MARCH 24

Regular Release
APRIL 7









GENIUS BEHIND MAGNITUDE!



Joe Pasternak



Henry Koster

Made by Koster, who refuses to let a screen-second slip by without twisting unique entertainment from it . . . and Pasternak, whose sense of what does, and what doesn't deserve presentation, contributes a note of genius rare in screendom



FROM UNIVERSAL



Printed in U. S. A.

Grand National Will Release Five More Films This Season

Grand National will limit its current season selling to five new features which are ready for release, Earle W. Hammons, president, said yesterday on return to New York from Hollywood. New season production plans depend upon completion of new financing arrangements which are now in an advanced stage and may be concluded within the next two or three weeks.

Jeffrey Bernerd and Maurice Wilson, Educational-Grand National British sales representatives, are due in New York on the *Queen Mary* April 6, to confer with Hammons and, it is reported, completion of the company's new financing arrangements may depend on those conferences. Hammons, however, declined to comment on this.

Hammons Optimistic

Meanwhile, long range planning for the company's operations is in evidence and Hammons is definitely optimistic about Grand National being able to pull out of its present difficulties, which resulted from the company's producers' failure to deliver.

Declaring that he did "not wish to mislead anyone" on Grand National's chances of continuing in business, Hammons told a large group of trade paper reporters that "as of this date" there is no new financing for the company's new season activities and that more than $200,000 in company commitments will be due early next fall.

Current Coast Debts Paid

On the other hand, he reported that release of five new features for the current season is assured; that all current debts of the producing company in California have been paid, including an advance credit of $25,000 to Eugene Frenke for release of the Anna Sten picture, "Exile Express." The latter debt does not come due until April 8.

In addition, Hammons said that no further reductions of company personnel were required for economy purposes; that a new general sales manager of Grand National would be appointed soon to fill the post vacated by Edward L. Alperson; that an annual sales meeting was planned for the near future, and that negotiations were nearly concluded for the services of a well-known Hollywood producer whose commitment would be 16 features, but who, in addition, would be prepared to make any pictures not delivered by Fine Arts or Arcadia.

Liquidation Progressing

He said that no short subjects would be produced by Educational this season but that a minimum of 18 two-reelers and 26 one-reelers were planned by the company for next season. Hammons said that liquidation of Educational's old contracts by the 20th Century-Fox sales force was progressing "remarkably well" and that the company stood to realize several hundred thousand dollars from this source.

Hammons said that Grand National's coast creditor situation had been made particularly serious by efforts of small creditors to attach valuable studio property, as permitted under California law.

'Princess' $6,500 Indianapolis Lead

INDIANAPOLIS, March 22.—"The Little Princess" did $6,500 at the Indiana and was moved to the Apollo for a second week. "Everybody's Baby" shared the bill with it.

"Made for Each Other" and "Let Us Live" also showed strength at Loew's, where $8,500 was the take. "Yes, My Darling Daughter" was good with $9,200 at the Lyric.

Estimated takings for the week ending March 17:

"Fisherman's Wharf" (RKO)
"Twelve Crowded Hours" (RKO)
APOLLO—(1,100) (25c-40c) 7 days. Gross: $2,000. (Average, $3,000)
"Spirit of Culver" (Univ.)
"Society Smugglers" (Univ.)
CIRCLE—(2,800) (25c-40) 7 days. Gross: $5,000. (Average, $4,500)
"The Little Princess" (20th-Fox)
"Everybody's Baby" (20th-Fox)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $6,500. (Average, $5,000)
"Made for Each Other" (U. A.)
"Let Us Live" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $7,000)
"Yes, My Darling Daughter" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Vaudeville. Gross: $9,200. (Average, $8,000)

Lewis Band, "Wife," $19,500 in Buffalo

BUFFALO, March 22.—Ted Lewis and his band, with "Wife, Husband and Friend" at the Buffalo was a standout, drawing $19,500.

"Stagecoach" took a neat $8,900 at the Great Lakes. "Let Us Live" and "Flight to Fame" garnered $6,500 for the Lafayette.

Estimated takings for the week ending March 18:

"Wife, Husband and Friend" (20th-Fox)
BUFFALO—(3,000) (30c-50c) 7 days. (On stage: Ted Lewis' Orchestra.) Gross: $19,500. (Average, $12,000)
"Stagecoach" (U. A.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $8,900. (Average, $7,500)
"The Three Musketeers" (20th-Fox)
"The Girl Downstairs" (M-G-M)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,200. (Average, $6,800)
"St. Louis Blues" (Para.)
"Boy Trouble" (Para.)
CENTURY—(3,000) (25c) 7 days. Gross: $5,700. (Average, $6,000)
"Let Us Live" (Col.)
"Flight to Fame" (Col.)
LAFAYETTE — (3,300) (25c) 7 days. Gross: $6,500. (Average, $6,300)

'Kid' in New Haven Grosses Big $6,700

NEW HAVEN, March 20.—"Oklahoma Kid" and "Adventures of Jane Arden" took $6,700 at the Roger Sherman. The Loew-Poli, with "Tailspin" and "The Three Musketeers," did $8,000. The second week of "Stagecoach" and "There's That Woman Again" drew $2,700 at the College.

Estimated takings for the week ending March 17:

"Stagecoach" (U. A.)
"There's That Woman Again" (Col.)
COLLEGE—(1,499) (35c-50c) 7 days. Gross: $2,700. (Average, $2,700)
"Tail Spin" (20th-Fox)
"The Three Musketeers" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days Gross: $8,000. (Average, $8,000)
"King of Chinatown" (Para.)
"Boy Trouble" (Para.)
PARAMOUNT—(2,348) (35c-50c) 8 days. Gross: $4,000. (Average, $4,000)
"Oklahoma Kid" (W. B.)
"Adventures of Jane Arden" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $6,700. (Average, $4,000)

Kyser Band With "Daughter" Smash $35,000, Cleveland

CLEVELAND, March 22.—Kay Kyser broke records at the RKO Palace, with "Yes, My Darling Daughter" on the screen. The take was $35,000.

"The Beachcomber" was a hit at Warner's Hippodrome with $15,000. "The Spirit of Culver" at the Allen drew $4,500. Weather was clear and moderate.

Estimated takings for the week ending March 17:

"The Spirit of Culver" (Univ.)
ALLEN — (3,000) (30c-35c-42c) 7 days. Gross: $4,500. (Average, $4,000)
"The Beachcomber" (Para.)
WARNERS' HIPPODROME—(3,800) (30c-35c-42c) 7 days. Gross: $15,000. (Average, $12,000)
"Yes, My Darling Daughter" (W.B.)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Kay Kyser and Orchestra. Gross: $35,000. (Average, $15,000)
"Cafe Society" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $9,500. (Average, $13,000)
"Stagecoach" (U.A.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $6,500. (Average, $5,000)
"Two Hearts in Waltz Time" (Bruno Vwicker)
CITY—(485) (35c-42c) 7 days, 2nd week. Gross: $800. (Average, $1,200)

Moffitt Back in K. C.

KANSAS CITY, March 22.—John C. Moffitt, Paramount screen writer, has returned here after three years in Hollywood to resume the post of film editor of the Kansas City *Star* which he held before joining Paramount. Variety Club will honor him at a dinner next Monday.

'Love Affair' Denver's Best With $10,000

DENVER, March 22.—"Love Affair" and "12 Crowded Hours" scored here, with $10,000 at the Orpheum. Also recording strong grosses were "Topper Takes a Trip," with $10,500 at the Denver, and "Midnight," with $8,000 at the Denham. "Pygmalion" took $3,500 in its second week at the Broadway.

Estimated takings for the week ending March 22:

"Wings of the Navy" (W.B.)
ALADDIN—(1,400) (25c-40c), 7 days, 2nd week. Gross: $3,500. (Average, $3,500)
"Pygmalion" (M-G-M)
BROADWAY—(1,100) (25c-40c), 7 days, 2nd week. Gross: $3,500. (Average, $2,500)
"Midnight" (Para.)
DENHAM—(1,750) (25c-35c-40c), 7 days. Gross: $8,000. (Average, $6,000)
"Topper Takes a Trip" (U.A.)
DENVER—(2,525) (25c-35c-50c), 7 days. Gross: $10,500. (Average, $8,500)
"Love Affair" (RKO)
"12 Crowded Hours" (RKO)
ORPHEUM—(2,600) 25c-35c-40c), 7 days. Gross: $10,000. (Average, $8,000)
"Let Us Live" (Col.)
"Lone Wolf Spy Hunt" (Col.)
PARAMOUNT—(2,200) (25c-40c), 7 days. Gross: $4,000. (Average, $3,500)

French 'Snow White' Set

French version of "Snow White and the Seven Dwarfs," known as "Blanche-Neige et les Sept Nains," will have its New York opening at the Waldorf on April 8. Following the indefinite run here, the film will play other principal cities.



CBS Demonstrates Its New $600,000 Television Setup

CBS, after more than a year of pressure construction, yesterday disclosed its new $600,000 television facilities to the press. Located atop the Chrysler Building, the transmitter, W2XAX, powered for 7½ kilowatts unmodulated for both video and audio transmission, needs only final tuning up before experimental operation in May.

The equipment is on the 73rd, 74th and 75th floors of the building, with two antennae in the Chrysler spire. Power output will be the same as the transmitter of NBC-RCA. However, the CBS antenna differs from NBC's in that it radiates in a vertical direction rather than in a spherical direction, as does NBC's. According to Dr. Peter Goldmark, in charge of televison construction for CBS, the design of the CBS antenna will give it four times more efficiency than others. It will not increase the area of signal reception, Dr. Goldmark said, but will make for a much clearer image.

The CBS transmitter was designed and constructed by RCA. The antennae, studio and film transmission equipment by CBS engineers.

CBS began planning its television setup more than two years ago. Preliminary work was started last fall and equipment was moved in last January.

Meanwhile, construction of the television production studio is proceeding rapidly in the Grand Central Terminal Building, and this also is expected to be finished by May.

Three New Contracts Are Closed by WHN

Technicians Institute has closed a 13-week contract with WHN for a weekly half-hour show, "Hold the Press," to be broadcast Sundays. Winer & Co. is the agency.

Additional new business at WHN is a 13-week contract by Beauty Affiliates for participation in "Polly the Shopper," through Albert-Frank-Guenther-Law, and a contract by Plant Growers' Guild for announcements, through Moore & Hamm, Inc.

Drop Coast Repeats Due to AFRA Scale

Because of the added expense of producing network programs under the new scale of wages provided in the American Federation of Radio Actors pact, Blackett-Sample-Hummert is dropping its west coast repeat broadcasts of two of its daily strips, "Just Plain Bill" and "John's Other Wife."

Plane Series on WMCA

Practical Aircraft & Diesel Training Co. has placed a series of programs over 13 weeks on WMCA. Rickard, Mulberger & Hicks placed the account.

"Man's Castle" on Lux

Spencer Tracy and Loretta Young have been signed by Lux "Radio Theatre" to play in "A Man's Castle" over CBS on Monday.

Radio Personals

ELAINE STERNE CARRINGTON, author of "Pepper Young's Family," has signed an NBC management contract . . . Felix Knight returns from a Hollywood vacation today. . . . Dorothy Doran, radio editor of the Akron *Beacon-Journal,* is in town . . . Hal Bock, NBC Hollywood publicity director who has been in New York the past week, returns to the coast today.

+

Orson Welles' wife is in a New York hospital. . . . Davidson Vorhes, CBS engineer is the father of a boy. . . . Gil Mack of the WHN stock company, will marry Rosella Davis, elocution teacher. . . . Bernice Judis, general manager of WNEW is on a vacation in Chicago. . . . CBS has hired the "Flying Hutchinson" family, who are about to embark on a flight around the world, to represent the network's "American School of the Air" series. . . . E. Stolzenberger, R. O. Thatcher, E. R. Cullen and W. L. States, all NBC engineers out of Chicago, have been transferred to television service in New York.

CBS to Erect New Antenna for WCCO

CBS will construct a new vertical guyed antenna of uniform cross-section design for its Minneapolis station, WCCO. Construction is to begin May 1, and will be completed in 19 days. The new antenna will be designed to cope with 500-kilowatt power.

It will mark the fifth antenna of its kind to be erected for CBS stations. It was first installed for WABC in New York, then for WBT, Charlotte; WBBM, Chicago, and finally KNX, Hollywood. G. Stanley McAllister, director of construction and building apparatus for CBS, will supervise the erection of WCCO's antenna.

Al Pearce Is Sued

Breach of contract suit for $18,000 has been filed in the N. Y. Supreme Court by Ruth Rubin, as assignee of William H. Comstock, radio comedian, known as Tizzie Lisch, against Al Pearce. Suit is based on a contract allegedly made on May 31, 1938, whereby Comstock was to broadcast for 39 weeks at $1,000 weekly. Complaint charges wrongful discharge on March 14, and asks for $16,000 future salaries and $2,000 for past performances.

Renew Berch Program

Jack Berch's song program for Sweetheart Soap over NBC has been renewed for another 13 weeks. Franklin Bruck agency handles the account.

Hanna Joins Ripley

Jay Hanna, production manager for Phil Lord, has resigned to join the Bob Ripley office. Ripley's new program debuts over CBS on March 31.

Independents Seek Own Canadian Net

MONTREAL, March 22.—Independent Canadian radio stations today applied to the Canadian Broadcasting Corp. for permission to form a separate network.

In presenting the application for the Canadian Association of Broadcasters Aime Geoffrion complained that many stations were being drowned out by American stations. He asked for more power for certain stations.

Other requests in the application were permission to exploit short wave television and facsimile broadcasts; the right to use recorded programs between 7 and 11 P.M. and permission to mention prices of goods advertised on the air.

FCC Calendar

WASHINGTON, March 22.—Federal Communications Commission has announced future hearings on broadcasting applications, as follows:

April 24: Applications of KRBA, Lufkin, Tex., for increase of power from 100 to 250 watts, and WQDM, St. Albans, Vt., for extension of time from day to sunset at Cleveland.

May 10: Applications of M. C. Reese for a 1,200-kilocycle station at Phoenix, Ariz., with 100 watts night, 250 watts day; KOH, Reno, Nev., for change of frequency from 1,380 to 830 kilocycles and increase of power from 500 to 1,000 watts, and KOY, Phoenix, Ariz., for change of frequency from 1,390 to 550 kilocycles.

May 15: Application of KOVC, Valley City, N. D., for change of frequency from 1,500 to 1,340 kilocycles and increase of power from 100 watts night, 250 watts day, to 500 watts night, 1,000 watts day.

Other Dates to Be Set

It was also announced that hearings, on dates later to be set, had been ordered on the applications of World Peace Foundation for a 5,000-watt international broadcast station at Oakland, Cal.; Joseph A. Lattimore for a 1,370-kilocycle station at Shelby, N. C., with 100 watts night, 250 watts day, and KMA, Shenandoah, Ia., for authority to move to Council Bluffs, Ia., and WCOA, Pensacola, Fla., for increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day.

Application for change of frequency from 920 to 1,120 kilocycles, extension of time from day to unlimited and change of power from 1,000 watts, day only, to 500 watts night, 1,000 watts day, has been filed by WSPA, Spartanburg, S. C.

Other applications filed include requests of WKEU, Griffin, Ga., for extension of time from day to unlimited, and KALE, Portland, Ore., for an increase of day power from 1,000 to 5,000 watts.

Scheenberg Joins Ayer

Ed Scheenberg, script writer, has joined the New York office of the N. W. Ayer & Son agency. He will work on the various programs produced by the agency's local office.

Device Shifts Radio Sets to Television

A new device which will transform an ordinary radio receiver into a television receiver has been patented and will be marketed by the Wald Radio & Television Laboratories of New York. A public demonstration of the development will be held shortly.

According to Robert Robins, secretary of the corporation, a patent granted by his company permits the sending of programs over an area of hundreds of miles by means of "mixed frequencies," without necessity of costly relay stations. Present range of television in this country has been limited to the horizon, or about 50 miles, unless aided by booster stations.

Wald Corp. will manufacture, distribute and license the use of equipment based on its patents. It has also perfected a method of television transmission enabling use of the present broadcast band on radio receivers for television transmission. The corporation chartered last week in Albany, is a closed company and will not make public issue of capital stock.

Women's Air Awards To Be Made April 19

Annual radio awards meeting of the Women's National Radio Committee will be held in New York on April 19. Since the organization's formation in 1934, it has been conducting annual surveys of radio programs, and granting awards to the year's best programs selected by the committee.

Awards meeting will be covered by CBS, NBC and Mutual, in broadcasts from 3 to 3:30 P. M. Speakers in a symposium on "The Use of Radio in Promoting International and Domestic Goodwill" will be headed by Sterling Fisher, director of talks for CBS, and will include as speakers, H. V. Kaltenborn, CBS news commentator; Alfred J. McCosker, chairman of the board of Mutual, and Frank Mason, NBC vice-president.

Name "Gateway" Judges

HOLLYWOOD, March 22.—RKO has selected the three judges who will choose the finalists in the "Gateway to Hollywood" series, for the first 13-week cycle. The board will be Cecile B. DeMille, Frank Lloyd and Gregory La Cava.

Frigidaire on WABC

Frigidaire Division of General Motors has launched a new local show over WABC. Entitled "Melody Time," the program is broadcast on Mondays, Wednesdays and Fridays from 8:45 to 9 A. M. Lord & Thomas is the agency.

NY Radio Bill Advanced

ALBANY, March 22.—Measure extending to broadcasters exemption in libel and slander actions was advanced to a third reading in the Assembly today. It will come up for final vote tomorrow.

McConnell Is Renewed

Smiling Ed McConnell, broadcasting over a split NBS network and sponsored by Ballard & Ballard, has been renewed for another eight weeks, effective this week. Henri Hurst & McDonald is the agency.

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 58 NEW YORK, MONDAY, MARCH 27, 1939 TEN CENTS

No Special Judge to Hear Trust Action

Justice Department Is Satisfied with Bondy

WASHINGTON, March 26.—Department of Justice officials denied over the weekend that action had been taken to secure a special judge to hear the New York anti-trust suit, pointing out that Judge William Bondy is hearing motions and indicating that he is satisfactory to the Government.

It was flatly denied, also, that any shift was contemplated in the Department's force handling the case and rumors that Seymour Krieger of the anti-trust division staff would be made special prosecutor were declared to be unfounded. The case is in the hands of Paul Williams, it was said, and he undoubtedly will remain in charge. Krieger is one of six assistants to Williams.

SUBSTITUTES NAMED

Application of the Government to substitute seven persons, including James Roosevelt, as defendants in its anti-trust suit against the eight majors, was granted Friday by Federal Judge Samuel Mandelbaum without opposition.

James Roosevelt, Charles Schwartz, Emanuel Silverstone and Theodore Caruso were named in the United

(*Continued on page 6*)

Loew Abandons Test Of Single Bills Here

After an eight-week test of single features at the Ziegfeld Theatre, Loew's will return the house to double bills on Thursday.

The single-feature policy was unsuccessful. Business dropped 25 per cent or more. A previous mid-week singles policy had proved fairly successful, and Loew's had believed that the patrons of the de luxe house would support an extension of singles to the balance of the week. On Sixth Ave. at 54th St., the Ziegfeld caters to a better than average class.

There was a dearth of big pictures during the test. The circuit was unable to arrange for Warner and RKO product, because of the booking situation, and only one 20th Century-Fox film, "Dawn Patrol," was available for the Ziegfeld.

Minn. 'Divorce' Bill Not Slated to Pass

St. Paul, March 26.—The affiliated theatre divorcement measure which was introduced in the Minnesota legislature last week by Representative Louis E. Berg of West St. Paul is given virtually no chance of being enacted.

The legislative session will end within a few days and the legislature is overloaded with urgent business now.

U.A. to Have At Least 22 Next Season

Hollywood, March 26.—David Selznick will make three pictures for release by United Artists for the coming season. Selznick and John H. Whitney arranged to continue with United Artists at a meeting with Maurice Silverstone, Saturday night.

HOLLYWOOD, March 26.—United Artists plans a minimum of 22 pictures for the 1939-'40 season, it became known today as Maurice Silverstone, company head, prepared to return to New York after several weeks of conferences with United Artists producers. The number is exclusive of pictures which would be supplied by Selznick-International if a new releasing deal with the company is negotiated.

Understood here that deals by which Ernst Lubitsch and Sol Lesser-Frank Llovd join the United Artists' producers' ranks were definitely set during Silverstone's visit. Together, they will probably contribute six to eight pictures to the new season's schedule,

(*Continued on page 6*)

Allied's Meet Set for June 13, Minneapolis

MINNEAPOLIS, March 26.—Allied States' national convention will be held here June 13, 14 and 15 at the Nicollet Hotel.

The dates were set by Col. H. A. Cole, Allied president, and W. A. Steffes, head of Allied of the Northwest, at a conference here. Northwest Allied will be the official host. Steffes heads the arrangements committee.

The convention will open with a directors' meeting on June 13 and close with a dinner on the night of June 15.

LOCAL 306 CALLS STRIKE FOR TODAY

Strike Threat

Operators in New York home office and exchange projection rooms are due to strike today in response to a call issued by Local 306 late Saturday night.

Distributors at a meeting yesterday decided to oppose the strike by seeking an injunction.

The strike threatens to extend to theatres in the metropolitan area.

Strike call is the outgrowth of distributors' refusal to comply with Local 306 demand that film service to theatres not employing members of the local be stopped.

Film on hand in many theatres, much of which was shipped yesterday, is sufficient for from two days to a week in the event exchanges are vitally affected.

Distributors Will Seek Restraining Order; Fear Shutdown

New York home offices and exchanges faced a strike by projectionists at the opening of business today.

The strike order to the employes who are members of Local 306 I. A. T. S. E. was issued by union officials late Saturday night. The order directed the union men not to report for work this morning. Instead they are to form picket lines. In this way it is intended that the strike will be spread progressively, including through the day workers engaged in other activities.

Starting with home office and exchange projectionists it is planned to extend the strike eventually to include members of all affiliated bodies, thus bringing to a halt all film activities in the metropolitan district, including theatres.

Closed Shop Demand

Following several weeks of negotiation the strike order arose out of the refusal of the film companies to accede to the union demand that they cease further film service to theatres which do not employ members of Local 306.

The strike order affected employes of the eight major and two independent companies.

At a meeting of film company executives on Sunday it was decided to oppose the strike by seeking a restraining order in the United States Court today. It was stated that in the opinion of counsel the union demand was held to be illegal in that if acceded to it would result in the breaching of contracts with theatres which do not employ members of Local 306. This was said to apply in the case of the A. H. Schwartz Century Circuit and the Cocalis Circuit, representing about 40 theatres, and a number of others.

Browne Okays Order

The strike program apparently has the approval of the parent I.A.T.S.E. George Browne, international president, was in conference here last week with Joseph D. Basson, president of the local. Browne is reported to have left New York by plane for Hollywood sometime during the week-end.

Various exchange employes recently have been organized by the I.A.T.S.E. These include bookers, shippers and film inspectors. All are presumed to be subject shortly to the progressive application of the strike order as initiated in the case of the home office projectionists.

Hays Report to Take Up Foreign Problem

Increasingly serious problems of the industry's foreign markets will be discussed in the annual report of Will H. Hays which is to be submitted to the M.P.P.D.A. board today.

There is a possibility also that the meeting may consider the advisability of an industry-wide promotional activity, either in the form of a special anniversary tie-up or the establishment of a permanent public relations bureau such as that recommended by Howard Dietz, M-G-M advertising and publicity director, at the close of the Greatest Year drive. There is no formal proposal for a jubilee celebration before the industry now. One which contemplated an industry exposition in Grand Central Palace to run concurrently with the World's Fair was submitted by outside interests and rejected by company advertising and publicity heads in January.

Industry participation in the World's Fair will be limited to the donation to both the San Francisco and New York fairs of the American historical subject compiled recently.

Myers Declines to Predict Pact Action

WASHINGTON, March 26.—Negotiation of the proposed trade practice program is still incomplete, states Abram F. Myers, Allied general coun-

(*Continued on page 6*)

Referendum Voted By Equity on Stage Shows During Fair

Quarterly meeting of Actors' Equity voted Friday to take a referendum of its membership on the question of Sunday performances for the legitimate stage during the World's Fair. It is not expected that the vote will be completed by April 30, when the Fair opens, but announcement of the results is expected within two weeks thereafter.

Four conditions were imposed. All other unions, including stagehands, press agents, box-office men, musicians and ushers, must accept Sunday work without requiring extra pay. There must be one day off each week without performances or rehearsals. Top price for musicals is $4.40 and dramatic pieces are limited to $3.30. Duration is limited to the 26 weeks of the Fair with the understanding that it is not to be a criterion or precedent for the future.

The meeting also designated six members of a nominating committee to select the official ticket for officers and councilmen for the next year.

To Ask Accounting In IATSE Dispute

HOLLYWOOD, March 23.—Russell Parsons, in charge of the district attorney's office investigation into the affairs of technicians Local 37, will demand an accounting of money collected by International this week.

Another development in the I. A. T. S. E. situation was a move by Zeal Fairbanks, member of Local 37, to form a separate organization.

Both sides in the fight for control of the Local will submit affidavits today on the restraining orders each has obtained against the other.

Goetz Due Thursday With Print of 'Chips'

Ben Goetz, M-G-M production chief in England, is due Thursday on the *Normandie*. He brings with him a print of "Good Bye, Mr. Chips." Sam Wood, director of the film, is also aboard.

A decision on whether to send Mickey Rooney to England to make "Yank at Eton," sequel to "A Yank at Oxford," will be made while Goetz is here. He is scheduled to discuss future production with Louis B. Mayer on the coast.

Also due on the *Normandie* are John Hicks, Paramount foreign chief, who is arriving for home office conferences after an extended stay in Europe; Herbert Wilcox, British producer releasing through RKO; Gabriel Pascal, producer, and Greer Garson, English player, whom he plans to star in his next Bernard Shaw film, "Doctor's Dilemma," scheduled to be made in England starting in June.

N. Y. 3d in RKO Drive

The New York RKO exchange, Bob Wolff manager, has advanced to third place in the George Schaeffer sales Drive. Detroit, J. Sharkey manager, retains the lead.

Purely Personal

STANTON GRIFFIS, chairman of the Paramount executive committee, returns to New York from Florida tomorrow. He is scheduled to leave for the coast April 5 with BARNEY BALABAN, Paramount president, ROBERT GILLHAM, advertising and publicity director, who arrived in New York yesterday from the studio. NEIL F. AGNEW, distribution head, may leave for the coast the end of this week.

•

JOSEF ZIMANICH, musical director and eastern studio director for National Screen Service, left Friday for a brief visit to Hollywood, his first trip to the coast in 15 years.

•

NAT WACHSBERGER, associated with Synimex of Paris, is on the way to New York on the *Normandie*. He will confer with HARRY BRANDT with whom he is co-director of the Film Alliance of the United States.

•

MERLE OBERON, star of SAMUEL GOLDWYN'S "Wuthering Heights," arrives in New York tomorrow from Hollywood. She will sail for England on the *Normandie* Saturday.

•

TEX RITTER, Monogram western star, and EDWARD FINNEY, producer of his westerns, have returned to Hollywood after a three-month personal appearance tour.

•

TERRY KILBURN, who arrived from England late last week, left over the weekend for the M-G-M studio.

ED GREIF, of the MOTION PICTURE DAILY editorial staff, was married Saturday to MILDRED WINSTON, of Brooklyn, at the Hotel Belvedere.

•

JOHN BALABAN, of the B. & K. circuit, Chicago, was the guest of Y. FRANK FREEMAN, Paramount studio head, at a reception at the Hollywood plant last Friday.

•

DOROTHY LAMOUR was the guest of honor at the Junior Prom of New York University Saturday night at the Ambassador.

•

WILL FYFE, signed in London for a role in Paramount's "Rulers of the Sea," will sail on the *Aquitania* April 8.

•

FRED QUIMBY, head of M-G-M shorts, has returned to the studio from the Chicago convention.

•

J. DON ALEXANDER, president, Alexander Film Co., and MRS. ALEXANDER left Friday for Bermuda.

•

TYREE DILLARD, M-G-M attorney, is extending his stay in North Carolina another week.

•

JOAN CRAWFORD arrived yesterday from the coast and plans a South American trip.

•

PETE SMITH, M-G-M shorts commentator, left by plane Friday for the studio.

SWG-Producers Parleys Continue

HOLLYWOOD, March 26.—The board of directors of the Screen Writers' Guild having accepted the offer of the producers' committee to continue negotiations toward a new agreement conferences were continued over the weekend. James C. Batten, N.L.R.B. regional director, and trial examiner in the hearings on Guild charges of Wagner Act violation by producers, sat in at the conferences at the invitation of the Guild.

RKO Seeks Girl as 'Princess for Day'

RKO theatres are seeking the child in the Metropolitan area who most resembles Shirley Temple to make her a "Little Princess for a Day.'" Girls between the ages of seven and ten are eligible and the Princess will be selected from photographs submitted. Entry blanks are available at RKO houses. In addition to being feted for a day the Princess will receive $100.

Para. Bway 1938 Loss

Paramount Broadway Corp., owner of the Paramount Building, reported net operating loss of $235,307 for the year 1938. Deficit at Dec. 31, last, was $537,364, as compared with $449,143 at the end of 1937. Income from operations for the year amounted to $990,934. Expenses were $838,155.

Publicity Guild Gives Terms to Producers

HOLLYWOOD, March 26.—William Edwards, president of the Screen Publicists' Guild, headed a committee which presented to the producers Friday the guild's position in asking for recognition. Theodore Butcher, Fred S. Meyer and Carol Sax, of M-G-M, 20th Century-Fox and Warners, respectively, represented the producers.

Edington Starts Work For 'U' Tomorrow

HOLLYWOOD, March 26.—Harry Edington, who abandoned agency business to head his own production unit for Universal, will start operations tomorrow, when he plans to put under contract two or more writers.

He expects to have his organization completed in three or four weeks. His addition to Universal is expected to bring to the company Douglas Fairbanks, Jr., and other stars.

Bill Revises Tax on Film Rights to Bouts

ALBANY, March 26.—Revision of the tax provision on the sale of motion picture and broadcasting rights on public boxing and wrestling exhibitions is asked in a bill introduced jointly by Assemblyman Crews and Senator Condon. It would substitute a five per cent tax on gross income for the present five per cent on total gross receipts.

Loew Tieups Set On Carload Scale

When Loew's publicity department goes in for tieups, it's on a carload basis. The circuit is using: 5,000 miniature diapers on "Made For Each Other," 100,000 perfumed paper handkerchiefs "to dry the laugh-tears" among "Pygmalion" audiences, 25,000 leis to plug "Honolulu," 40,000 "Lone Ranger" neckties, pistols, ice cream cones, etc., 20 stage coaches for 'Stagecoach," 100,000 samples of caramels advertising "Huckleberry Finn," and 50,000 chocolate samples for ""Topper."

Rydge in Today on Australian Parley

Adjustment of the booking situation in Australia, as well as a broad discussion of restrictions imposed by New South Wales, will be the subject of conferences to be held here by Norman Bede Rydge, head of Greater Union Theatres and affiliated interests, with company foreign chiefs.

Rydge is due today from the coast, where he has spent some time since arriving from Sydney. He is accompanied by Capt. Harold Auten, his American representative, who met him on the coast.

Rydge on Thursday was the guest of Y. Frank Freeman at a luncheon at the studio. Attending were George L. Bagnall, A. M. Botsford, W. B. Cokell, Luigi Luraschi and Edward Schelhorn, among others.

Warner Gets Plaque For Patriotic Films

HOLLYWOOD, March 26.—Harry M. Warner was presented with a bronze plaque by the All-American Women's organizations in recognition of his production of motion pictures inspiring Americanism. More than 4,000 attended the mass meeting at Warner's Hollywood Theatre for the presentation.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

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STARRING

FRED ASTAIRE

GINGER ROGERS

with

EDNA MAE OLIVER

WALTER BRENNAN

LEW FIELDS • JANET BEECHER

• ETIENNE GIRARDOT •

PANDRO S. BERMAN in charge of Production

Directed by H. C. Potter Produced by George Haight

Screen Play by Richard Sherman

Adaptation by Oscar Hammerstein II and Dorothy Yost

RKO RADIO PICTURES

LITHO US
C

Big-U Film Exchange, Inc.
Columbia Pictures Corporation
Loew's Incorporated
Paramount Pictures, Inc.
RKO Radio Pictures, Inc.
Twentieth Century-Fox Film Corporation
United Artists Corporation
Vitagraph, Inc.

have posted the following notice in their New York City Exchange:

The projection room operators in our New York Exchange and Home Office have been called out on strike by Local 306.

There is no dispute between Local 306 and the company over wages, hours or working conditions.

The strike has been called solely to coerce your company to refuse delivery of its films to any theatre in Greater New York which employs a projection room operator who is not a member of Local 306.

All projectionists in our New York Exchange, Home office and theatres within the jurisdiction of Local 306 have been for a long time and are now members of that local. To comply with the demand of Local 306 would require us to breach a large number of contracts with independent theatres which do not employ members of that local.

We have been advised that to join with Local 306 in taking action which would shut off our film from these theatres, would be in violation of law. We have, therefore, been compelled to refuse the demand of Local 306.

Banner LINES

A WHILE back we stated that NBC was seeking a commentator capable of matching CBS's H. V. Kaltenborn. We also stated that NBC had offered the post to Arthur Krock, the noted head of the New York *Times* Washington Bureau, who turned it down because the sanction of the *Times* could not be obtained. Look for an announcement any moment now, telling that at long last NBC has found the man it has been seeking. He is John Gunther, brilliant author of "Inside Europe."

▼

Doodler who draws the fancy sketches on those fancy CBS releases is Jack Hoins, and not bad art, although what purpose is served, other than a decorative one, is a mystery. We doubt it helps achieve a pickup.

▼

That roundup in Dodge City, Kan. on April 1 to celebrate the premiere of the new Warner picture, "Dodge City," affords a fitting example of the mutual good that the radio and motion picture industries can derive from working with each other. NBC is donating a half hour over 90 stations of its Red and Blue networks to the event. It will be covered also by numerous regional hookups throughout the Midwest, while numbers of unaffiliated stations will plug the event—and the picture—via transcriptions. All this is costing Warners not a red cent.

▼

A telegram to this desk from John S. Young, radio director of the World's Fair, marks as "a lot of baloney" the report that radio editors would not receive full privileges from the Fair. "Rumor that radio editors were not to be given full privileges at the Fair is a lot of baloney," reads Young's telegram. "As long as I am holding this job radio writers will be given not only full privileges, but special privileges."

▼

In all that front page excitement about the kidnapping of Charlie McCarthy, not one newspaper recalled that the last episode was the second time that Edgar Bergen's dummy has been snatched. The first one occurred two years ago when Bergen was working at the Chez Paree in Chicago, and was engineered by Frank Burke, now Paul Whiteman's press agent. But Bergen and McCarthy weren't important then, and all the stunt received was a few sticks in the Chicago papers.

▼

One by one the columns are flocking back to print. Latest radio column reinstatement is Lawrence Gilbertson's in the Portland (Ore.) "Journal."

▼

Brightest piece of network copy in ever so long is the story that NBC sent out on the escape of bees on the "Hobby Lobby" program. It was written by Jack Miles.

▼

Someone should call WNEW's attention to the fact that the *World-Telegram* has stopped listing the station's programs, and instead is using WNYC's fare. WNEW hasn't noted the change.

—JACK BANNER

A Royal Visitor

London, March 26.—Queen Mary on Friday visited the Denham studios and was received by Captain Richard Norton, Adolph Zukor and David Rose. She examined the Paramount set, and also toured the Denham Laboratories. She was filmed on arrival and saw the print when she departed an hour later.

UA Sets Minimum At 22 for 1939-'40

(*Continued from page* 1)

with the remainder coming from Alexander Korda, Walter Wanger, Hal Roach, Edward Small, Douglas Fairbanks and Charles Chaplin. Goldwyn's new season plans are indefinite at this time.

U. A. INVITES EXHIBITORS

Exhibitors all over the country will be asked to participate in United Artists' 20th anniversary celebration, which will be observed in all of the company's exchanges from April 23 to May 20.

Harry L. Gold, eastern general sales manager, and Jack Schlaifer, western sales manager, have designated the period "United Artists Month." Among the activities planned for the period is an exhibitor endorsement of the United Artists' founders' policy that "quality entertainment can be achieved only when producers are permitted to make pictures the way they want them." Exhibitor endorsements of this policy will be recorded in a "20 Golden Years Register" which will be available at every United Artists' exchange.

At the close of the anniversary period the register will be added to the company's permanent archives which includes its original organizational papers, documents relating to the company's rise and a number of films that the company regards as milestones in its growth.

Another feature of the anniversary month will be the award of a gold medal of merit to members of the sales force for distinguished records during the year ending June 30, next.

No Special Judge To Hear Trust Suit

(*Continued from page* 1)

Artists group in place of Mary Pickford, Charles Chaplin, Douglas Fairbanks and Samuel Goldwyn who, under the decision are dropped as defendants; Edward L. Weisl and George L. Bagnall, in place of Harold A. Fortington and Harry O. King in the Paramount Pictures group, and Henry Rogers Winthrop for William A. Phillips in the Loew's group.

At the same time Paramount News, Inc., which merged with Paramount Pictures in April, 1937, was dropped as a defendant.

'Mikado' at Hartford

HARTFORD, March 26.—Universal's "The Mikado" in color opened here Friday night in Bushnell Memorial Hall. It was scheduled for a three-day run at $1 top price.

Myers Declines to Predict Pact Action

(*Continued from page* 1)

sel, and no forecast can be made either as to its adoption or how far it will go.

Myers points out the matter is in the hands of the distributors, explaining that his conference in New York recently was purely a legal meeting at which neither the distribution departments nor exhibitors were represented. The meeting was with major company counsel.

While there has been talk that the program, if adopted, may have important influence on the anti-trust suit pending against principal companies in New York, Department of Justice officials insist that theatre divorcement is the major issue in that case and point out that, so far as they know, the question of separating production-distribution from exhibition is not touched on in the proposed pact.

The Department is proceeding with its plans without regard to the trade practice agreement and while it is halted for three months in bringing 10 regional anti-trust suits contemplated, as a result of failure of the House to grant additional funds, is hopeful of initiating them as soon as the appropriation for next year becomes available on July 1.

Ascap's N. D. Plans Wait Court's Ruling

Ascap's future operating policy in North Dakota, which recently enacted a law to bar the society from the state, will be determined after the U. S. Supreme Court decides the constitutionality of similar state legislation. The high court's decisions on the Florida and Washington laws are expected to be made known today.

If the anti-Ascap legislation is held to be unconstitutional the society will move at once for an injunction restraining North Dakota from enforcing its new law. Governor Moses stated recently that the state would not "spend a cent" to defend the legality of the law.

Trammell on NBC Board

Niles Trammell, executive vice-president of NBC, was elected a member of the NBC board on Friday. He succeeds George K. Throckmorton, who resigned to devote full time to the presidency of the RCA Manufacturing Corp.

M-G-M Shifts Managers

CHICAGO, March 26.—Al Wingham will replace Ira Furman as M-G-M branch manager in San Francisco. Maurice Saffle, Salt Lake City, will replace Wingham, and Sam Gardner, Indianapolis salesman, replaces Saffle.

Rep. Gets Rickard Story

HOLLYWOOD, March 26.—Republic has purchased "The Champ Maker," story of Tex Rickard's life, and is seeking Edward Arnold for the role. Story is by Kendall Evans and Frank Scully.

Warner Gets "Crisis"

Warner has acquired rights to "Crisis," film on the Czech situation produced by Herbert Kline. It has been booked in Pennsylvania.

Equity Liberals Win Fight for Committee

Equity's liberals won their fight with conservatives over the naming of the nominating committee that will prepare the slate of candidates for the council. Results of Friday's election made known Saturday showed that five of the six named to the committee are liberals. The only conservative is Percy Moore.

The liberals named include Raymond Massey, who polled a vote of 223; Whitford Kane, Fredric March, Alvin Thomas, and George Coulouris. The council's representatives on the nominating committee are Joseph A. Vitale, Blanche Yurka and Franklyn Fox.

S.A.G. Drops 3,460 Extras in 13 Months

HOLLYWOOD, March 26.—Screen Actors' Guild has dropped 3,460 extras from its rolls since the closed shop agreement with studios was signed 13 months ago.

Replying to rumors that many new members have been admitted to the extra ranks, the Guild discloses that during that time 117 extras were transferred to part player classification, 803 were granted withdrawals and 2,743 were suspended. Only 203 extras were admitted.

Pratt Retires from Erpi after 33 Years

George C. Pratt, vice-president of Electrical Research Products, Inc., will retire April 1 after 33 years with the Bell system. Pratt was in charge of Erpi's operations in Hollywood. He will be succeeded by Clifford W. Smith, who has been general manager on the coast.

To Examine Revere

Edward B. Marks Music Corp. filed notice in the U. S. District Court that tomorrow it will examine Tom Revere, radio director of Benton & Bowles, Inc.; Hans Bartsch, and the program director of Columbia Broadcasting System. The music company is plaintiff in a suit for an injunction, accounting and damages against Benton & Bowles, CBS, Colgate-Palmolive-Peet Co. and Colgate & Co., charging unlicensed broadcasting of songs from the operetta, "A Waltz Dream," written by Joseph Herbert, and allegedly owned by the plaintiff.

Bill Exempts Theatres

MILWAUKEE, March 26.—Theatres with refrigerating units of less than 100-ton capacity when used for humidity control and air conditioning, provided the refrigerant used is non-injurious and the refrigerating equipment is in compliance with orders of the industrial commission, are exempt from the provisions of the Assembly Murray bill. The measure licenses operators of refrigerating machines.

Protest Dillinger Film

WORCESTER, Mass., March 26.—Worcester Better Films Council is protesting "the glorification of the gangster," especially Warners' planned film on John Dillinger.

Adaptation by Oscar Hammerstein II and Dorothy Fields

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Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 59 NEW YORK, TUESDAY, MARCH 28, 1939 TEN CENTS

Practice Pact Draft in Today Or Wednesday

Rodgers Calls Meeting for Final Approval

Distributors are planning to approve the trade practice pact today or Wednesday in order that it may be presented as an industry program before the U. S. Senate Interstate Commerce sub-Committee which begins public hearings on April 3, on the Neely anti-block booking bill. Lawyers are rushing the pact to completion.

All exhibitor criticism has been considered by the lawyers in charge in drawing the final draft. They have also given consideration to Department of Justice complaints such as are incorporated in the pending anti-trust suit in New York. The pact will not delve into the question of divorcement, but will cover the question of arbitration.

There is a meeting of company sales managers this morning at 10:30 at the Hotel Astor. This meeting was called by William F. Rodgers, chairman of the distribtuors' groups.

Rodgers received a report on the lawyers' work yesterday. Previous Congressional hearings on anti-block

(Continued on page 6)

CBS to Start N.Y. Television June 15

HOLLYWOOD, March 27.—William S. Paley, president of CBS, told MOTION PICTURE DAILY here today that his company will start its television program in New York on June 15.

First releases will concentrate on news, he declared, and will be confined to events in the Metropolitan area. He added that television would not be practical for at least ten years.

While in Hollywood Paley will confer with film executives on how CBS may cooperate with them to the best advantage of both.

"Radio broadcasting is not worrying that motion picture producers will crack down on us," said Paley, "despite recent statements and removals from the air. Such antics are merely sops to exhibitors who claim broadcasting is detrimental to their business. Whenever producers have a job to do, particularly exploiting an important picture, they call upon us to help them and that condition explains all picture-radio relationships."

CBS will launch a coast building program in July. It will include two new audience stages in Hollywood.

Mexico City Acts to End Child Begging

Mexico City, March 27.—The local civic government is making an effort to free film patrons of child beggars who infest the doors and vestibules of the theatres. The government is going after the mothers of the children as punishing the mothers was found to be the surest way of discouraging the children.

New Policy Talks to Feature 20th-Fox Meet, on Thursday

New sales policies in line with the trade practice program will highlight the discussions at the 20th Century-Fox national sales convention which starts Thursday at the Congress Hotel in Chicago for three days.

Sidney R. Kent, president, who is chairman of the distributors' trade practice committee, is expected to treat this phase in his address, as will Herman Wobber, general sales manager, who will preside at the sessions. Felix Jenkins, general counsel, will also discuss the new terms and the new contract form.

More than 280 delegates will attend the convention, representing all of the company's operations. There will be a large delegation from the foreign department, with several foreign managers on hand.

Kent and Wobber have been at the studio lining up the new program and

(Continued on page 6)

SETTLEMENT TALK ON STRIKE BEGINS

Strike Developments

Federal Judge William Bondy urges distributors and Local 306 to mediate. Instructs RKO to "fulfill" its contracts and authorizes company to bring restraining action against union to test legality of its demands. Indicates other companies should join such an action.

Exchange operations may be crippled today when "backroom" workers refuse to pass picket lines as instructed by their union. Picketing of home office buildings to start today.

Theatres have enough film for one to three weeks. No spread of strike to theatre projectionists seen immediately.

All newsreels expect to complete regular issues on schedule today.

G.N. Plans British Production Program

LONDON, March 27.—Grand National's British production plans include several films to be made at Twickenham studios, which the company has acquired. One will be "Stars Look Down," with Michael Redgrave and Margaret Lockwood. Will Fyffe and Will Hay have been placed under contract.

Jeffery Bernerd and Morris Wilson, G.N. executives, sail Friday for New York.

Judge Bondy Suggests Move, Continuing Injunction Plea

Negotiations have been begun for a settlement of the projectionists' strike in greater New York, including northern New Jersey, which started yesterday.

These negotiations were undertaken at the suggestion of Federal Judge William O. Bondy when RKO applied for instructions whether to comply with the demands of Local 306 and the I.A.T.S.E. not to deliver films to non-I.A.T.S.E. theatres in the New York exchange area. RKO is under 77b and therefore subject to supervision of the Federal Court. Its application for instructions was in effect a request for a restraining order against the union. Col. William J. Donovan made the application for the Irving Trust Co., trustee in reorganization for RKO. Judge Matthew Levy, counsel to Local 306, appeared for the union.

At the hearing in his chambers, Judge Bondy urged mediation efforts and advised RKO attorneys to bring an action to test the legality of the union's demand in such a manner that other distributors and interests involved would also be parties to it.

The court instructed RKO to fulfill its contracts for film service with independent exhibitors which might be affected by the union's demand "as far as practicable and legally possible." The matter of entering into or refusing to enter into new contracts in line with the union's demands was left by the court to the discretion of Irving Trust Co. and RKO officials.

New York exchanges, worked at

(Continued on page 6)

Hays Report Cites Growth Of Film with Social Value

Public acceptance of pictures of artistic, social and cultural values, as well as entertainment appeal has enlarged the screen's opportunities, Will H. Hays said yesterday in his annual report to the M. P. P. D. A.

Hays was reelected president of the organization for his eighteenth year. All other officers and directors were reelected. The meeting was adjourned to Wednesday due to the absence of 20th Century-Fox, Warners and United Artists' representatives.

The board discussed the foreign market and its current problems but no action was taken. Courtland Smith, former newsreel executive, submitted his report to the board on the current status of television with particular attention to the medium's relation to films and theatres. It was stated that no recommendations were made in the report and that it will not be made public.

Hay's discussion of pictures of social and cultural significance was given prominence in the summary of his annual report released to the press, about half of the abstract being given over to the subject.

Pictures of high social and entertainment significance have attained the greatest measure of success, the report indicated. "There is nothing incompatible between the best interests of

(Continued on page 6)

To Wait Official Act On Return to Italy

Foreign department heads will not give consideration to any proposal for resumption of film shipments to Italy unless it is made by official sources and is in formal order, it has been indicated following a meeting at M. P. P. D. A. headquarters.

Arthur W. Kelly, United Artists foreign manager, outlined to the meeting a suggestion which had been broached to him in Italy for resumption of business by the companies. However, it was emphasized that the proposal was not in formal order and, hence, is not a matter for negotiation.

Examination of UA Officers Postponed

Examinations before filing of answers of Harry J. Muller, treasurer of United Artists Corp., and Edward C. Raftery, as secretary, scheduled to be conducted yesterday by the Government in the anti-trust suit against the eight majors, was adjourned to April 5 at 2 P.M.

The Government granted the adjournment upon request of Benjamin Pepper, member of the firm of O'Brien, Driscoll & Raftery, attorneys for United Artists, who stated that Raftery was at present on the coast on business. The examinations will be held before W. J. Briggs, notary, at the Federal Court House.

Orders Dismissal of Dakota Divorcement

WASHINGTON, March 27.—U. S. Supreme Court today wrote finis to the North Dakota theatre divorcement case, remanding it to the U. S. District Court in Fargo with instructions to dismiss the action on the ground that the case has become "moot" through repeal of the state law.

The order stipulated that the proceedings in the Supreme Court were to be without cost to either party, the state or Paramount, which brought the appeal on the law to the high court. The court also stipulated that no barrier was to be raised to an application by either party to the District Court for an award of costs in that court.

$100,000 Movie Quiz Suit Is Dismissed

Suit for $100,000 against Donahue & Coe, Inc., agency that handled the advertising for the Movie Quiz, and Edward J. Churchill, president, was dismissed yesterday by N. Y. Supreme Court Justice Salvatore A. Cotillo, with permission to amend the complaint.

Action was started by Edward J. Pfeifer, who claims to have given the idea of a Quiz to the defendants in June, 1938, and who asked for 10 per cent of the alleged profit. Justice Cotillo ruled that a contract upon which a suit was based must be in writing.

Lichtman Goes West After Parleys Here

Al Lichtman, M-G-M vice-president, left last night for the coast after conferring here since Friday at the home office. He came here from the company's convention in Chicago, which he attended. He was accompanied by Harry Rapf, M-G-M producer, and Mrs. Rapf.

Ampa Slate Will Be Reported Thursday

Ampa's nominating committee will report its selections for officers for the ensuing year at the organization's meeting Thursday at the Astor.

Herbert S. Klein, producer of "Crisis," film on the Czech situation, will be a guest speaker at the luncheon.

Eliot Keen Is Dead

Eliot Keen, editor of *Silver Screen* for many years, died of a heart attack in Long Island Hospital yesterday.

Purely Personal

MAURICE SILVERSTONE, United Artists chief executive, is delaying his departure from the coast for several additional days and probably will not be back in New York before early next week. LYNN FARNOL, advertising and publicity director, is scheduled to arrive in New York by plane tonight, following his recent coast visit.

•

ALFRED HITCHCOCK returned yesterday from a West Indies vacation, and will leave for Hollywood at the end of the week for his first assignment for Selznick International. He is accompanied by his wife, ALMA REVILLE, his daughter, and JOAN HARRISON.

•

ROBERT GILLHAM, Paramount advertising and publicity director, is occupying ADOLPH ZUKOR's office during his current stay in New York, as ALEC MOSS took over GILLHAM's old quarters when the latter went to the studio about two months ago.

•

IRVING BROWN of the Warner home office advertising art department, has won first prize in the World's Fair poster and car card contest sponsored by the Museum of Natural History and the Hayden Planetarium.

•

JOSEPH H. SEIDELMAN, Universal vice president and foreign manager, returns to New York tonight on the *Gripsholm* from a combined business and pleasure trip to South America.

•

ED KUYKENDALL, M.P.T.O.A. president, arrived yesterday from Washington. He will return there over the weekend to attend the Neely bill hearings.

•

MERLE OBERON will arrive from the coast on Thursday, and will sail on the *Normandie* Saturday. She had been scheduled to arrive here today.

•

NORMAN H. MORAY, Vitaphone sales manager, will leave Omaha today for Denver in the course of his annual tour of exchanges.

•

JAMES MOONEY, former office manager for Warners in Cleveland, has joined Grand National there as office manager and booker.

•

FRANKLYN UNDERWOOD, eastern story head for 20th Century-Fox, is recuperating from an illness at Doctors' Hospital.

•

LEON NETTER, Paramount home office theatre executive, returned to the city yesterday from a two-week cruise to the West Indies.

•

GEORGE WELLBAUM is at home ill with the flu.

CHARLES S. AARONSON of the editorial staff of MOTION PICTURE DAILY, is the father of a girl, born to MRS. AARONSON at the Sydenham Hospital, Manhattan, on Sunday.

•

CHARLES D. PRUTZMAN, Universal general counsel, was back at his office yesterday after a business trip to Phoenix, Ariz.

•

PAUL GUSDANOVIC, Cleveland theatre owner, and MRS. GUSDANOVIC have returned from an extended southern trip.

•

HARRY BUXBAUM, 20th Century-Fox New York exchange manager, has returned after two weeks in Miami.

•

E. A. HELOUIS, office manager at Columbia's New York exchange, is confined to his home with a sore throat.

•

THOMAS S. WALKER, publicity man, has been named representative in the south for Filmack Trailer Co. of Chicago.

•

ANNA MAY WONG has been signed to appear with ORSON WELLES in a radio adaptation of PEARL S. BUCK's "The Patriot" on April 15.

•

HUNTER PERRY, Paramount theatre associate in the southeast, is at the home office from Charlottesville, Va.

•

HARRY G. KOSCH, Allied of New York counsel, is due Monday from a quick trip to Havana on business.

•

TRACY BARHAM, Paramount theatre associate in Ohio, is in New York to confer with home office officials.

•

MITCHELL AZERIER, Republic's poster department head, is the father of a nine-pound boy, GARY GERSON.

•

JACK SOGG, M-G-M salesman in Cleveland, has returned home from the hospital after an operation.

•

LEO JUSTIN of the Walter Reade circuit will return April 7 from Mexico where he is vacationing.

•

HOWARD DIETZ, M-G-M advertising and publicity director, has left for a vacation in Bermuda.

•

IRVING MEYER of the Columbia exchange here will be married June 10.

•

JACK COHN has returned to New York from the coast.

•

LEO SPITZ returned to Florida yesterday.

Yiddish Film to Open

"Without a Home," Yiddish film produced in Poland by Adolph Mann, will open in New York March 31 in three houses, the Clinton in Manhattan, Ascot in the Bronx and People's Cinema in Brooklyn. Foreign Cinema Arts, Inc., is distributing the films.

Weiner to Universal

OMAHA, March 27.—I. M. Weiner, formerly branch manager for Columbia here, has joined the Universal staff in Des Moines.

SWG Hearing Put Off On Day-to-Day Basis

HOLLYWOOD, March 27.—The Screen Writers' Guild and producers' committees at a meeting yesterday agreed to a day-to-day postponement on the N. L. R. B. hearing of guild charges scheduled for today. Further conferences were being held today looking toward an amicable settlement of differences. Both sides expressed hope of accord on the disputed points in the proposed bargaining contract.

Industry is Joining Yeshiva College in Refugee Student Aid

Efforts to enable Yeshiva College to increase its good work in providing for refugee students are being made by a group in the motion picture industry.

Yeshiva College, the only college of liberal arts and sciences under Jewish auspices, is giving aid to hundreds of students and scholars who have lost everything abroad. Many are receiving full support at the college in addition to free tuition.

As part of their plans to aid the institution the industry group comprising workers and executives of all faiths is combining in sponsorship of a benefit dinner at the Hotel Astor next Sunday. Speakers at the dinner among others will be Louis Nizer, W. G. Van Schmus and Dr. Nelson P. Mead, president of the College of the City of New York. Van Schmus is chairman of the dinner committee, as well.

Other members of the sponsoring committee are Arthur Price, treasurer; Jacob Salzman, secretary; Neil Agnew, Jack Alicoate, Jack Cohn, Ned E. Depinet, Maurice Kann, Sidney R. Kent, Abe Montague, Charles C. Moskowitz, Louis Nizer, John J. O'Connor, Martin Quigley, William F. Rodgers, J. Robert Rubin, George J. Schaefer, Gradwell L. Sears, Murray Silverstone, George P. Skouras, Spyros Skouras.

James Roosevelt Off To London Saturday

HOLLYWOOD, March 27. — James Roosevelt will take to England a print of Samuel Goldwyn's "Wuthering Heights." He sails for London, Saturday, on the *Normandie*.

The Goldwyn office says Roosevelt is going to London to represent the producers in trade-showings of the film. This is the younger Roosevelt's first trip to London since becoming an officer of the Goldwyn organization.

He arrives in New York, Thursday.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.: Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


"IT WOULD APPEAR, WATSON, THAT THE PICTURE IS A GREAT SUCCESS!"
"Slated to set a new high among chillers!" —Boxoffice
"Graphic chill appeal!" —Hollywood Reporter
"Opened to plaudits of a packed house!" —N. Y. Daily Mirror
"Best of Sir Arthur Conan Doyle films!" —N. Y. World-Telegram
"Enough to give Roxy customers a swell set of jitters!" —N. Y. Eve. Post
"A thoroughly entertaining mystery!" —N. Y. Journal-American
"Class mystery thriller! Conveys unrelenting menace!" —Los Angeles Times
"Sent many a shudder through last night's audience!" —L. A Examiner
RIGHT YOU ARE, SHERLOCK HOLMES...
"THE HOUND OF THE BASKERVILLES" IS DOING A SMASH BUSINESS AT THE ROXY, NEW YORK!
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

$25,000 for 'Honest Man' Philadelphia

PHILADELPHIA, March 27.—Fox held top spot here. Hal Kemp's band, plus "You Can't Cheat an Honest Man," took a strong $25,500.

"Love Affair" at the Boyd was good for $18,000. Second run of "Pygmalion" snared a good $2,900 at the Arcadia in its second week and will be held for a third.

Estimated takings for the week ending March 23:

"Prison Without Bars" (U. A.)
ALDINE—(1,300) (32c-42c-57c) 6 days. Gross: $6,000. (Average, 7 days, $8,160)
"Pygmalion" (M-G-M)
ARCADIA—(600) (32c-42c-57c) 7 days, 2nd week, 2nd run. Gross: $2,900. (Average, $2,800)
"Love Affair" (RKO)
BOYD—(2,400) (32c-42c-57) 7 days. Gross: $18,000. (Average, $14,000)
"Gunga Din" (RKO)
EARLE—(2,000) (26c-32c-42c) 7 days, 3rd run. Gross: $7,000. (Average, $8,000)
"You Can't Cheat An Honest Man" (Univ.)
FOX—(3,000) (32c-37c-42c-57c-68c) 7 days. Stage: Hal Kemp Band. Gross: $25,500. (Average, $16,000)
"Stagecoach" (U. A.)
KARLTON—(1,000) (32c-42c-57c) 7 days, 2nd run. Gross: $4,000. (Average, $4,000)
"Ice Follies of 1939" (M-G-M)
KEITH'S—(2,600) (32c-42c-57c) 7 days, 2nd run. Gross: $3,200. (Average, $4,000)
"One Third of Nation" (Para.)
PALACE—(1,000) (26c-42c) 7 days. Gross: $4,800. (Average, $4,500)
"Cafe Society" (Para.)
STANLEY—(3,700) (32c-42c-57c) 7 days. Gross: $9,500. (Average, $14,000)
"King of Chinatown" (Para.)
STANTON—(1,700) (26c-32c-42c) 7 days. Gross: $3,500. (Average, $7,000)

Expect to Make 20 Features in Mexico

MEXICO CITY, March 27.—Unless there is a complete breakdown of financing, a circumstance that is beginning to be feared because of the progressively worse condition in which economy in Mexico is finding itself, Mexican producers hope to have completed 20 features by the end of spring. That will be about the biggest spring production this country has ever had.

Producers, though, are finding it harder and harder to get money. The pictures of the spring crop, though, are rather well financed. Yet there are fears that lack of funds may hamper the output. It looks as though the producers will have a hard time attaining their goal of 70 features for this year.

Hollywood Preview

"Wuthering Heights"

(U. A.-Samuel Goldwyn)

HOLLYWOOD, March 27.—"Wuthering Heights" is a class picture. It has been designed for particular appeal to women. Considered from the standpoints of able writing, directing, acting and staging, it takes rank with the screen's finest efforts. It possesses unique power to grip and hold audience attention. It is essentially an adult attraction, the subject matter with which it deals being too deep for adolescent or juvenile comprehension. The crowd which saw its preview in Warners' Hollywood Theatre, its attention riveted on what was happening on the screen, sat in hushed silence. No applause interrupted the continuity. The ovation following the climax, however, was whole-hearted and enthusiastic.

In preserving the mood and spirit of Emily Bronte's century-old novel of suppressed and tragic love, the performances of the leads, Merle Oberon and Laurence Olivier, are impressive. The quality of support, particularly that contributed by David Niven, Flora Robson, Geraldine Fitzgerald, Hugh Williams and Miles Mander, is exceptionally good. Produced in the Goldwyn tradition, the pictures makes no concessions to modernism and, as written for the screen by Ben Hecht and Charles MacArthur and directed by William Wyler, it is faithful to the somber tone of the original, in which there is no humor and nothing is light or gay.

Preceded by a prologue, the story is told in retrospect, with Miss Robson relating it to Mander. A victim of persecution and oppression, the only happiness in Olivier's life is affection for Miss Oberon, which is returned. Her marriage to Niven, however, is Olivier's first tragedy. Leaving "Wuthering Heights," he vows that one day he will avenge himself upon all who have abused him. Returning years later, he subjects Williams to the same cruelties that had been his early lot. Finding Miss Oberon dying, their old affection flames again and they vision the love that might have been. As she dies, Olivier places a curse on her that her spirit shall roam the moors until it is time for him to depart this world. When Mander hears an eerie voice calling, Olivier dashes out on to the moor in quest of the spirit of Miss Oberon. He dies in a storm.

The appeal of the picture is to the more sentimental and sympathetic emotions. Directly it is aimed to play upon the heart-strings of women. Taking this as the key, exploitation campaigns should be plotted to arouse the maximum amount of adult feminine interest for the attraction.

Running time, 105 minutes. "A."* G. McC.

** "A" denotes adult classification.*

Operators Set Meeting

SALISBURY, N. C., March 27.—North Carolina projectionists and stage employes have set April 23 at Charlotte for the association's convention. W. H. Fowler is president.

Warners Book "Crisis"

Warners theatres in the Pennsylvania area have booked "Crisis," film on the Czech situation produced by Herbert Kline.



Goodman Band and 'Madness' $20,800 Washington Gross

WASHINGTON, March 27.—Benny Goodman pulled the largest gross of the year, $20,800, at Warners' Earle. "Spring Madness" was the screen feature.

"You Can't Cheat An Honest Man" held up nicely in its second week at RKO-Keith's. It grossed $7,500.

Estimated takings for the week ending March 23:

"The Three Musketeers" (20th-Fox)
LOEW'S CAPITOL—(3,434) (25c-65c) 7 days. Stage: Clem McCarthy. Gross: $12,500 (Average, $16,500)
"Huckleberry Finn" (M-G-M)
LOEW'S COLUMBIA—(1,243) (25c-40c) 2nd run, 7 days. Gross: $5,000. (Average, $4,500)
"Made for Each Other" (U. A.)
LOEW'S PALACE—(2,370) (25c-55c) 7 days. Gross: $12,500. (Average, $12,000)
"You Can't Cheat An Honest Man" (Univ.)
RKO-KEITH'S—(1,836) (25c-55c) 7 days, 2nd week. Gross: $7,500. (Average, $6,000)
"Spring Madness" (M-G-M)
WARNERS' EARLE—(2,218) (25c-66c) 7 days. Stage: Benny Goodman and orchestra. Gross: $20,800. (Average, $16,000)
"Yes, My Darling Daughter" (W. B.)
WARNERS' METROPOLITAN—(1,591) (25c-40c) 2nd run, 7 days. Gross: $4,200. (Average, $4,000)

'Each Other' Chicago High With $16,500

CHICAGO, March 27.—"Made for Each Other" grossed $16,500 at the United Artists to lead the Loop in business. The State-Lake with "Charlie Chan in Honolulu" was another strong attraction, getting $13,800. "Midnight" did well at $33,500 at the Chicago.

"Pygmalion" in a sixth week did $6,600 at the Apollo. The weather was fair and warm.

Estimated takings for the week ending March 22-25:

"PYGMALION" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 6th week. Gross: $6,600. (Average, $6,500)
"Midnight" (20th-Fox)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Harriett Hoctor and revue. Gross: $33,500. (Average, $32,000)
"Yes, My Darling Daughter" (W. B.)
GARRICK—(900) (35c-40c-65) 7 days. Gross: $6,000. (Average, $6,500)
"Boy Trouble" (Para.)
"Mr. Moto's Last Warning" (20th-Fox)
ORIENTAL—(3,400) (25c-35c-40c) 7 days. Stage: Vaudeville Revue. Gross: $14,200. (Average, $13,000)
"You Can't Cheat An Honest Man" (Univ.)
PALACE—(2,500) (35c-55c-75c) 7 days, 2nd week. Stage: Chester Hale Girls and Revue. Gross: $12,000. (Average, $19,000)
"Wings of the Navy" (W. B.)
ROOSEVELT—(1,360) (35c-55c-75c) 7 days, 2nd week. Gross: $8,800. (Average, $11,000)
"Charlie Chan in Honolulu" (20th-Fox)
STATE-LAKE—(2,700) 25c-35c-40c) 7 days. Stage: Ben Blue and Revue. Gross: $13,800. (Average, $12,000)
"Made for Each Other" (U. A.)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $16,500. (Average, $15,000)

Garber Band Leads Milwaukee Parade, Grossing $14,000

MILWAUKEE, March 27.—Top-notcher in a fair week was Jan Garber's orchestra and stage revue featuring George Givot and "The Lone Wolf Spy Hunt" on the screen with a $14,000 gross at the Riverside.

Other houses to clear average were the Warner, where "Made for Each Other" and "The Great Man Votes" collected $6,500 and "The Little Princess" and Charlie Chan in Honolulu," which grossed $7,000. Weather was generally fair.

Estimated takings for the week ending March 22-23:

"Club de Femmes"
LITTLE THEATRE—(1,098) (30c-40c) 8 days. Gross: $2,000.
"Moonlight Sonata" (Malmar)
"Woman Doctor" (Rep.)
PALACE—(2,400) (35c-50c) 4 days. Gross: $800. (Average, $4,000)
"Fast and Loose" (M-G-M)
"King of Chinatown" (Para.)
PALACE—(2,400) (35c-50c) 3 days. Gross: $1,200.) Average, $4,000)
"The Lone Wolf Spy Hunt" (Col.)
RIVERSIDE—(2,300) (25c-30c-40c) 7 days. Stage: Jan Garber and his revue. Gross: $14,000. (Average, $5,000)
"Stagecoach" (U. A.)
"Nancy Drew, Reporter" (F. N.)
STRAND—(1,400) (35c-50c) 7 days. Gross: $2,000. (Average, $2,000)
"Made for Each Other" (U. A.)
"The Great Man Votes" (RKO)
WARNER—(2,400) (35c-50c) 7 days. Gross: $6,500. (Average, $4,500)
"The Little Princess" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
WISCONSIN—(3,200) (35c-50c) 8 days. Gross: $7,000. (Average, $5,500)

'Beachcomber' Hits $6,500 In Slow Minneapolis Week

MINNEAPOLIS, March 27.—Best business getter was "The Beachcomber" at the Century where it was good for $6,500 in the second week. "The Duke of West Point" took $3,000 at the Gopher.

In St. Paul, business was generally off, with the leader "Cafe Society" which did $3,500 at the Paramount.

Estimated takings for the week ending March 23:

Minneapolis:

"Devil's Island" (W. B.)
ASTER—(900) (15c-25c) 7 days. Gross: $1,600. (Average, $1,500)
"The Beachcomber" (Para.)
CENTURY—(1,600) (25c-40c) 7 days, 2nd week. Gross: $6,500. (Average, $4,000)
"The Duke of West Point" (U. A.)
GOPHER—(990) (25c) 7 days. Gross: 3,000. (Average, $2,500)
"Trade Winds" (U. A.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $4,500. (Average, $4,800)
"Cafe Society" (Para.)
STATE—(2,300) (25c-40c) 7 days. Gross: $4,500. (Average, $4,400)
"Pygmalion" (M-G-M)
WORLD—(400) (25c-55c) 7 days. Gross: $1,600. (Average, $1,400)

St. Paul:

"Tail Spin" (20th-Fox)
ORPHEUM—(2,000) (25c-40c) 7 days. Gross: $1,500. (Average, $3,200)
"Cafe Society" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $3,500. (Average, $4,000)
"Pygmalion" (M-G-M)
RIVIERA—(1,000) (25c) 7 days. Gross: $2,800. (Average, $1,800)
"Sunset Trail" (Para.)
"Newsboys Home" (Univ.)
"The Lone Wolf Spy Hunt" (Col.)
"Pardon Our Nerve" (20th-Fox)
TOWER—(1,000) (25c). Dual bills, split week. Gross: $400. (Average, $1,500)
"Man to Remember" (RKO)
WORLD—(1,000) (25c) 7 days, 6th week. Gross: $800. (Average, $700)

'Love Affair' Does $8,500 in New Haven

NEW HAVEN, March 27.—"Love Affair" and "Secret Service of the Air" took $8,500 at the Roger Sherman. The Loew-Poli with "Huckleberry Finn" and "Let Us Live" did $9,500.

Estimated takings for the week ending March 23:

"First Offender" (Col.)
"Pacific Liner" (RKO)
COLLEGE—(1,499) (35c-50c) 7½ days. Gross: $2,100. (Average, $2,700)
"Huckleberry Finn" (M-G-M)
"Let Us Live" (Col.)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $9,500. (Average, $8,000)
"Grand Illusion" (World)
"Comet Over Broadway" (W. B.)
PARAMOUNT—(2,348) (35c-50c) 6½ days. Gross: $3,300. (Average, $4,000)
"Love Affair" (U. A.)
"Secret Service of the Air" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $8,500. (Average, $4,000)

Ban on Commercials Is Fought in Mexico

MEXICO CITY, March 27.—Restriction of educational and industrial pictures from abroad to those that the Federal Government approves is being protested by numerous businessmen who desire to obtain many such pictures from the United States. They petition that this clause of the imports law be changed to permit the entry of a wider range of such films, which the businessmen say are valuable for Mexico's educational and industrial advancement.

Hollywood Preview

"Society Lawyer"

(M-G-M)

HOLLYWOOD, March 27.—"Society Lawyer" is a thrilling story of crime and society, of murder and romance, deftly aligned for adult entertainment. A remake of M-G-M's "Penthouse" of 1933, the new version has Walter Pidgeon, Virginia Bruce, Leo Carrillo, Eduardo Ciannelli and Lee Bowman playing roles originally enacted by Warner Baxter, Myrna Loy, Nat Pendleton, C. Henry Gordon and Phillips Holmes.

In support are Frances Mercer, Ann Morriss, Herbert Mundin, Frank M. Thomas, Edward S. Brophy, Tom Kennedy, Clarence Kolb, Pierre Watkin, Ian Wolfe, Paul Guilfoyle and Joseph Crehan.

The new version adheres to the 1933 Arthur Somers Roche narrative, which originally appeared in the *Cosmopolitan Magazine*. Pidgeon undertakes the defense of Bowman, to whom the former's sweetheart becomes engaged, when Bowman is arrested for murder. The attorney, with the aid of Carrillo, a gangster whom he previously has defended successfully, and Miss Bruce, a night club singer who falls in love with Pidgeon, solves the murder. Carrillo is killed defending Miss Bruce, but not before wiping out Ciannelli, the real murderer, and his gang.

Albert Hackett and Frances Goodrich, who wrote the 1933 screenplay, and Leon Gordon and Hugo Butler are credited with the "Society Lawyer" script, an able mixture of melodrama and comedy. Edwin L. Marin directed the John W. Considine, Jr., production.

The preview audience found some of the picture's situations sophisticated, and the dialogue breezy and smart.

The Production Code Administration certificate is pending.

Running time, 77 minutes. "A."* VANCE KING

** "A" denotes adult classification.*

'Wings,' at $3,400 Oklahoma City High

OKLAHOMA CITY, March 27.—"Pygmalion" grossed high in a fair week with $3,400 at the Midwest. "The Beachcomber" did a fair $2,700 at the Criterion.

Estimated takings for the weekending March 23:

"The Beachcomber" (Para.)
CRITERION—(1,600) (25c-35c-40c) 7 days Gross: $2,700. (Average, $5,200.)
"The Lost Patrol" (RKO)
"Star of Midnight" (RKO)
LIBERTY—(1,200) (20c-25c-30c) 7 days. Reissue. Gross: $2,900. (Average, $1,800.)
"Wings of the Navy" (W. B.)
MIDWEST—(1,500) (25c-35c-40c) 7 days. Gross: $3,400. (Average, $4,500.)
"Pygmalion" (M-G-M)
PLAZA—(750) (25c-35c-40c) 7 days. Gross: $2,300. (Average, $2,300.)
"Western Jamboree" (Rep.)
"Mr. Wong, Detective" (Mono.)
STATE—(1,100) (20c-25c) 7 days. Gross: $1,900. (Average, $2,500.)
"Honolulu" (M-G-M)
TOWER—(1,000) (25c-35c-40c) 7 days, 2nd week. Gross, $2,300. (Average, $2,500.)

Reade Makes Changes

Guy Hevia has been named manager of the Community in Toms River, succeeding Jay Wren, recently appointed publicity manager of the Walter Reade Theatres. Additional shifts in the Reade circuit include: Glendon Redden from the Community, Toms River, to the Savoy in Asbury Park; John McNulty from the Savoy, Asbury Park, to the Community in Morristown.

Signs Tax Token Bill

TOPEKA, Kan., March 27.—Gov. Payne Ratner has signed the bill which abolishes the sales tax tokens in Kansas. The tax commission of the state will work out a bracket system for collecting the levy. July 1 is the date on which tokens become obsolete.

Named C. of C. Director

DANVILLE, Ky., March 27.—William Yaekel has been elected a Chamber of Commerce director.

'Missouri' Scores Strong $13,500 in Premiere in K. C.

KANSAS CITY, March 27.—"I'm from Missouri," in its world premiere, at the Newman, took a big $13,500. "Love Affair" at the Orpheum did $6,800, and also was held.

Estimated takings for the week ending March 22-23:

"I'm from Missouri" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $13,500. (Average, $7,000.)
"Pygmalion" (M-G-M)
ESQUIRE — (800) (25c-40c), holdover. Gross: $2,500. (Average, $3,000.)
"Stagecoach" (U. A.)
"The First Offenders" (Col.)
MIDLAND—(4,000) (25c-40c), 7 days. Gross: $8,100. (Average, $11,500.)
"Love Affair" (RKO)
ORPHEUM—(1,500) (25c-40c), 7 days. Gross: $6,800. (Average, $5,000.)
"Spirit of Culver" (Univ.)
"Risky Business" (Univ.)
TOWER—(2,200) (25c-40), 7 days. Gross: $4,500. (Average, $5,600.)
"The Little Princess" (20th-Fox)
UPTOWN—(2,000) (25c-40c), 7 days, 2nd week. Gross: $2,000. (Average, $3,500.)

Shift RKO Managers

CINCINNATI, March 27. — Arthur M. Frudenfeld, RKO division manager, has made the following changes: Norman Linz from Capitol to Paramount, replacing M. J. Kavanaugh, resigned; James Pendergast, from Grand to Capitol; Roy Ferndon from Family to Grand, and Eugene Works from assistant to manager of the Family.

AMERICA – FIRST, LAST – ALWAYS!



★ MAN OF CONQUEST ★
RICHARD DIX as Sam Houston • Gail Patrick as Margaret Lea • Edward Ellis as Andrew Jackson
Joan Fontaine as Eliza Allen • A Republic Picture

Hays Report Cites Growth of Films With Social Value

(*Continued from page* 1)

the box-office and the kind of entertainment that raises the level of audience appreciation."

Summarizing the effect of public opinion on the screen, Hays said the call is for continuance of themes which treat of "mankind's long struggle for freedom"; for proper emphasis on our screens of the theme of Americanism; for pictures treated with realism drawn from life; for films which dramatize home life and habits, for films which will meet our entertainment responsibilities to our sister Americas, to help erase misunderstanding, and for the development of short subjects, especially pictures which recreate the great events of the nation's history.

Cites Foreign Effect

Hays pointed out that American pictures, even when censored abroad, "carry their own refutations of the alleged failures of our ideals, our policies, our efforts and our system. From the standpoint of American trade and industry, it is inevitable that our great entertainment films should be messengers of our foreign trade in every field where they are exhibited."

Hays commented on the Government's suit against the major companies, declaring the industry welcomed constructive effort by the Department of Justice to encourage and not retard the industry's operation. "The vital elements of this great entertainment structure cannot be easily destroyed," he said.

The head of the M. P. P. D. A. urged that current misrepresentations of Hollywood should be corrected by enlarged services of authentic information. He pointed out that there are still instances of a type of publicity which is out of line with the facts and is harmful to the industry.

Trade Pact Draft in Today or Wednesday

(*Continued from page* 1)

booking legislation were held by the Senate and House in 1936. Taking of testimony required six weeks.

The bill's proponents will be heard first. In addition to Allied spokesmen, numerous representatives of public groups are expected to urge passage. Col. H. A. Cole, Allied president, and Abram F. Myers, general counsel, will appear. The exhibitor opposition is expected to be led by Ed Kuykendall, president of the M. P. T. O. A.

Walter Futter Gets Financing for Film

General Film Co. will finance Walter Futter's first film to be made in England for RKO release and plans to finance his additional pictures scheduled. The first will be "The Man Who Lost Himself" with Leslie Howard, scheduled to start in July. Lawrence W. Fox is president of General Film Co.

Two Say They Paid $10,000 to Nick Aid

ST. LOUIS, March 27.—Testifying in the suit of 19 members of the Projectionists' Union to oust John P. ("Big") Nick, boss of the theatrical setup, and Clyde Weston, business agent of their own organization, Clarence Kaimman, motion picture theatre owner, today said he and Louis Landau, also an owner, turned over a check for $10,000 to Edward M. Brady, henchman of Nick, at the Jefferson Gravois Bank in 1936 while negotiations for wage increases for operators were in progress. Landau, a reluctant witness, corroborated Kaimman under pressure, but contradicted his statement that there was no wage increase after the fund was paid to Brady.

Kaimman testified that the full committee of the theatre owners included Fred Wehrenberg, president of M.P.T.O., Louis Ansell and Thomas James, besides Landau and himself.

Nick, Brady and Weston are under indictment on extortion charges in connection with 1936-1937 payments.

Confirm Lee Position

Barney Balaban, Paramount president, yesterday confirmed the report published in MOTION PICTURE DAILY on March 23 that Claude Lee, formerly with the Sparks Circuit in Florida, is undertaking a study of theatre public relations for Paramount and its theatre partners.

Mexico Film Man Dies

MEXICO CITY, March 27.—Juan Palmer Arizo, a director of Cines Modernos, S.A., operator of a cinema circuit in this city, died at the port of Vera Cruz during a vacation. Burial was in Mexico City.

Hepburn Play Opens On B'way Tonight

After an absence of five years, Katharine Hepburn returns to the Broadway stage tonight in "The Philadelphia Story," at the Shubert. The play is by Philip Barry and is described as a sophisticated comedy, exploiting the love affairs of a family in suburban Philadelphia. Van Heflin heads the supporting cast. The play has done well on the road.

Court Defers Action On I.A.T.S.E. Order

HOLLYWOOD, March 27.—Superior Court Judge Emmett H. Wilson today deferred judgment on the application of Local 37 to dissolve the I. A. T. S. E.'s restraining order under which local officers are estopped from conducting affairs of the union. Attorneys must submit briefs on Tuesday.

The court also took under advisement the motion of James E. Shaw, member of Local 37 for an injunction to restrain local officers from using organization's funds pending full accounting of their past operations.

Meanwhile Martin Dies, head of the House Committee on un-American Activities, has notified officers of the I. A. T. S. E. that an investigation will be made into their charges of Communistic activities in Hollywood unions.

Form Rochester Firm

ALBANY, March 27. — Oberbauer Corp. has been authorized to conduct a motion picture enterprise at Rochester.

Negotiations Are Begun To Settle Operators Strike

(*Continued from page* 1)

capacity throughout the day, because picket lines were not established by Local 306 until mid-afternoon. Night film inspectors who were to begin their daily tasks at 4:00 P.M. refused to pass the picket line.

Full effect of the strike will probably be felt by the exchanges this morning when the day workers, virtually all of whom are members of Local 51-B, Exchange Employes Union, an I.A.T.S.E. affiliate, will refuse to cross the picket lines, thus putting the number on strike at about 400.

Theatres will not suffer for lack of product for another week at the earliest. Forewarned, droves of exhibitors flocked to the exchanges yesterday to pick up as much film as was available. About 10 times the normal number of exhibitors crowded the exchanges and the surrounding streets yesterday. Workers were on duty at all exchanges all day Sunday up to 4:00 A.M. yesterday, reporting again for work in the forenoon.

Picketing was orderly.

Shippers, film inspectors and other "back room" workers remained on duty until 10 P.M. Lou Johnson, president of the Film Exchange Employes Union, B-51, said that at a meeting of the local's board at noon, decision was made not to go through the picket lines. The local extended the privilege to exchanges of keeping its members several hours overtime in order to complete shipments. Exchange workers are only technically on strike.

A Local 306 official said that laboratory technicians, cameramen and others affiliated with the I.A.T.S.E. will not be permitted to go through the picket lines at newsreel buildings. At the office of Motion Picture Laboratory Technicians, Local 702, it was declared that the I.A.T.S.E. would have to issue special instructions to this effect, otherwise it would not be affected.

The non-I.A.T.S.E. theatres which are involved in this strike employ projectionists of Empire State Motion Picture Operators Union. Abraham Kindler, president of the union, which has a New York State charter, said Empire men are employed at about 90 theatres in Greater New York, including the Century, Springer and Cocalis circuits, as well as individual theatres. Empire's contract with Century does not expire to the end of 1942 and the pact with Cocalis has eight years still to run, Kindler said. He said Empire has 300 members.

Divorcement Bill Up in Wisconsin

MADISON, Wis., March 27.—A duplicate of the divorce bill introduced in the 1937 legislature has been tossed into the hopper this year by Assemblyman Alex L. Nicol of Sparta.

The bill provides that it shall be "unlawful for any motion picture theatre to be operated in this state which is owned, controlled, managed or operated, in whole or in part, by any producer or distributor of motion picture films, or in which any such producer or distributor has any interest, direct or indirect, legal or equitable, through stock ownership or otherwise."

The measure was introduced in both houses of the 937 legislature and passed the Assembly, but failed in the Senate because of sine die adjournment.

New Policy Talks at 20th-Fox Convention

(*Continued from page* 1)

will arrive in Chicago direct from the coast. In addition to home office executives and the New York branch delegation, representatives from Boston, Philadelphia, Albany and St. John will leave from here today.

Guests at the convention will include Spyros Skouras, operating head of National Theatres; H. J. Fitzgerald, the circuit's Milwaukee division head; William Powers, chief film buyer; J. J. Sullivan, Fox West Coast film buyer, as well as E. B. Hatrick, vice-president of Cosmopolitan Productions, and Paul Terry, producer of Terrytoons.

The eastern group will leave for Chicago today in a special section of the Century which will pick up other delegates at several cities en route to the convention.

The executive group includes Division Managers William Sussman, W. J. Kupper and W. C. Gehring; Felix A. Jenkins, general counsel; Charles E. McCarthy, advertising and publicity director; Truman H. Talley, Movietone News producer. Also Walter J. Hutchinson, director of foreign distribution; Sir Gordon Craig, British Movietone News head; R. Sutton Dawes, British sales manager.

Other home office delegates are: Jack Sichelman, Martin Moskowitz, William J. Clark, E. H. Collins, C. A. Hill, T. A. Shaw, Roger Ferri, J. Bloom, I. Lincer, H. A. Mersay, S. Erstein and E. McEvoy of the sales department; Edmund Reek, Lowell Thomas, Ed Thorgerson, Lew Lehr, Vyvyan Donner, Steve Fitzgibbon of Movietone News; Arch Reeve, Earl W. W. Wingart, Leonard Gaynor, Christy Wilbert, Rodney Bush, Morris Kinzler of the advertising and publicity department; Lee Balsly, E. H. Hollander, J. Novat, Don Reed, William Caldwell of the ad sales department; I. A. Maas, L. F. Whelan, C. V. Hake, Australian managing director; A. Ruscica, manager in Chile; E. S. Frazer and L. Brandfeld of the foreign department; Harvey Day and William Weiss of Terrytoons; Miss Hettie Gray Baker of the censorship department, and Percy Heiliger of the legal department.

'Duke' Draws Good $20,000 For Hub Lead

BOSTON, March 27.—"The Duke of West Point" and "Three Musketeers" at the Keith Memorial took a big $20,000 for the week.

"The Oklahoma Kid" and "Nancy Drew, Reporter" ran a close second at the Metropolitan, taking $18,000.

Estimated takings for the week ending March 22:

"The Strange Case of Dr. Meade" (Col.) (4 days with vaudeville)
"The Dawn Patrol" (W. B.) (2nd run).
"Going Places" (W. B.) (2nd run).
RKO KEITH BOSTON—(3,200) (20c-30c-40c). Gross: $8,500. (Average, $8,000)
"Stand Up and Fight" M-G-M)
"Fast and Loose" (M-G-M)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $9,000. (Average, $9,000)
"Stand Up and Fight" (M-G-M)
"Fast and Loose" (M-G-M)
FENWAY—(1,382) (25c-35c-40c-55c) 7 days, 2nd run. Gross: $6,500. (Average, $5,500)
"The Duke of West Point" (U. A.)
"Three Musketeers" (20th-Fox)
KEITH MEMORIAL—(2,790) (25c-35c-40c-55c) 7 days. Gross: $20,000. (Average, $15,000)
"The Oklahoma Kid" (W. B.)
"Nancy Drew, Reporter" (W. B.)
METROPOLITAN—(4,332) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $14,500)
"Pygmalion" (M-G-M)
"Let Us Live" (Col.)
LOEW'S ORPHEUM—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $14,000. (Average, $14,500)
"Pygmalion" (M-G-M)
"Let Us Live" (Col.)
LOEW'S STATE—(3,537) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $11,500. (Average, $10,500)
"The Beachcomber" (Para.)
"Trade Winds" (U. A.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Both 2nd run. Gross: $6,500. (Average, $5,500)

'Pygmalion' Grosses $14,000, Providence

PROVIDENCE, March 27.—"Pygmalion" at Loew's State with "Whispering Enemies" grossed a strong $14,000. The Strand's dual, ". . . one third of a nation . . ." and "Let Us Live" also was strong with $7,200.

Estimated takings for the week ending March 22-23:

"Pygmalion" (U. A.)
"Whispering Enemies" (Col.)
LOEW'S STATE—(3,230) (25c-35c-50c) 7 days. Gross: $14,000. (Average, $11,000)
"Let Us Live" (Col.)
"One Third of a Nation" (Para.)
STRAND—(2,100) (25c-35c-50c) 7 days. Gross: $7,200. (Average, $6,000)
"Yes, My Darling Daughter" (W. B.)
"The Adventures of Jane Arden" (W. B.)
MAJESTIC—(2,250) (25c-35c-50c) 7 days. Gross: $6,500. (Average, $7,000)
"Danger Island" (20th-Fox)
FAY'S—(1,800) (25c-35c-40c) 7 days. Vaudeville. Gross: $6,000. (Average, $6,500)
"Fisherman's Wharf" (RKO)
"Beauty for the Asking" (RKO)
RKO-ALBEE—(2,239) (25c-35c-50c) 7 days. Gross: $4,500. (Average, $6,000)
"Oklahoma Kid" (W. B.)
"Secret Service of the Air" (F. N.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $3,800. (Average, $3,500)
"Home on the Prairie" (Rep.)
PLAYHOUSE—(1,290) (25c-35c) 7 days. Girls in Cellophane on stage. Gross: $3,400. (Average, $3,000)

RKO Takes "Illusion"

"Grand Illusion," released here by World Pictures Corp., has been booked over the entire RKO circuit in Greater New York.

Hollywood Preview

"The Hound of the Baskervilles"

(20th Century-Fox)

HOLLYWOOD, March 27.—To the millions who know Sir Arthur Conan Doyle's "The Hound of the Baskervilles," looking at the picture is like reading the book again. It follows the story almost page for page. To those unfamiliar with the story, the picture means attention-holding mystery melodrama.

Not a horror picture in the accepted sense of the word, this adventure of Sherlock Holmes is appealing thrill entertainment into which has been woven ample romantic love interest and comedy. It does not feature any repulsive characters or situations that might make soft-hearted people wary of seeing it. Still, told against wierd and eerie backgrounds, there is no lack of those elements that make the pulse beat a little faster and hold emotions in suspense.

Featuring Basil Rathbone as Sherlock, Nigel Bruce as Dr. Watson, Richard Greene, who shares the romantic love interest with Wendy Barrie and who participates in much of the melodrama; Lionel Atwill, John Carradine, Barlow Borland, Morton Lowry and Beryl Mercer, all of whom are convincing in their roles, the locale is a fog-hung moor in England's Devonshire country. For generations, heirs to the Baskerville estates have been terrorized to death. Holmes pitting his cunning and scientific deduction against the plotting of an avaricious, kill-crazy pillar of respectability who uses a fierce hound to slay his victims, is pictured in vivid style. The whole is soundly constructed mystery melodrama, a refreshing change from the round of mysteries that have featured slick, suave sleuths.

Ernest Pascal's screenplay sticks to the original with little deviation. Sidney Lanfield's direction preserves and emphasizes the spirit of Doyle's work. Gene Markey was associate producer.

Running time, 78 minutes. "G."* G. McC.

*"G" denotes general classification.

'Honest Man' Draws $12,000, Cincinnati

CINCINNATI, March 27.—The best comparative take was registered by "You Can't Cheat An Honest Man," which gave the RKO Palace $12,000.

"Love Affair" garnered $12,000 at the RKO Albee, and "You Can't Take It With You" did $2,800 at the RKO Grand.

Estimated takings for the week ending March 23-25:

"Love Affair". (RKO)
RKO-ALBEE—(3,300) (35c-42c) 7 days. Gross: $12,000. (Average $12,000)
"You Can't Cheat An Honest Man" (Univ.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $12,000. (Average, $12,000)
"Yes, My Darling Daughter" (W. B.)
RKO SHUBERT—(2,150) (35c-42c) 7 days. Gross: $8,400. (Average, $10,000)
"Cafe Society" (Para.)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,000. (Average, $6,500)
"One Third of a Nation" (Para.)
RKO LYRIC—(1,400) (35c-42c) 7 days. Gross: $2,750. (Average, $6,500)
"You Can't Take It With You" (Col.)
RKO GRAND—(1,200) (35c-40c) 7 days. Gross: $2,800. (Average, $2,750)
"Silver on the Sage" (Para.)
"Ambush" (Para.)
RKO FAMILY—(1,000) (20c-30c) 4 days. Gross: $1,400. (Average, $1,500)
"Don't Turn Them Loose" (RKO)
"Forged Passport" (Republic)
RKO FAMILY—(1,000) (20c-30c) 3 days. Gross: $900. (Average, $900)
"King of the Turf" (U. A.)
KEITH'S—(1,500) (35c-40c) 7 days. Gross: $4,900. (Average, $6,000)

William H. Meese Dies

BALTIMORE, March 27.—William H. Meese, 55, vice-president, of the Western Electric Co. and manager of its Point Breeze plant here, died yesterday of a heart ailment. Two daughters survive.

'Wife, Husband and Friend' $7,000 in Dull Seattle Week

SEATTLE, March 27.—A dual of "Wife, Husband and Friend" and "The Arizona Wildcat" at the Paramount was the only bill to gross better than average in a dull week. The dual drew $7,000.

"Pygmalion" did fairly well in the third week at the Music Box, taking $3,900.

Estimated takings for the week ending March 24:

"You Can't Cheat An Honest Man" (Univ.)
"Fisherman's Wharf" (RKO)
BLUE MOUSE—(950) 30c-40c-55c) 7 days, 2nd week. Gross: $3,100. (Average, $4,000)
"Ice Follies of 1939" (M-G-M)
"Beauty for the Asking" (RKO)
FIFTH AVENUE—(2,500) (30c-40c-55c) 7 days. Gross: $6,700. (Average, $7,000)
"King of the Turf" (U. A.)
"Homicide Bureau" (Col.)
LIBERTY—(1,800) (25c-35c-40c-55c) 7 days. Gross: $3,900. (Average, $5,000)
"Pygmalion" (M-G-M)
MUSIC BOX—(950) (30c-40c-55c) 7 days, 3rd week. Gross: $3,900. (Average, $4,000)
"The Oklahoma Kid" (W. B.)
"Burn 'Em up O'Connor" (M-G-M)
ORPHEUM—(2,450) (30c-40c) 7 days. Gross: $5,400. (Average, $6,000)
"A Man to Remember" (RKO)
"Fighting Thoroughbreds" (Repub.)
PALOMAR—(1,500) (15c-25c-35c-40c) 7 days. Vaudeville: Paul LePaul & Co. Gross: $4,200. (Average, $5,000)
"Wife, Husband and Friend" (20th-Fox)
"The Arizona Wildcat" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c) 7 days. Gross: $7,000. (Average, $6,000)

REOPEN IN COLORADO

DENVER, March 27.—Fox will reopen the Rialto in Durango, Col., after Easter.

'Each Other' Does $17,000 In Pittsburgh

PITTSBURGH, March 27.—"Made For Each Other" at Loew's Penn led the pack with $17,000. "The Oklahoma Kid" and Al Donahue's band on stage gave the Stanley $17,200, "The Little Princess" drew $5,000 in the second week at the Fulton. "Everybody's Baby" gave the Senator $6,200.

Estimated takings for the week ending March 23:

"Mysterious Miss X" (Rep.)
"Winner Take All" (20th-Fox)
ALVIN—(1,900) (25c-35c-50c) 7 days. Gross: $5,700. (Average, $7,000)
"The Little Princess" (20th-Fox)
FULTON—(1,700) (25c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $5,000)
"Made for Each Other" (U.A.)
LOEW'S PENN—(3,600) (25c-35c-50c) 7 days. Gross: $17,000. (Average, $15,000)
"Everybody's Baby" (20th-Fox)
SENATOR—(2,000) (25c-40c) 7 days. Blackstone troupe on stage. Gross: $6,200. (Average, $3,800)
"The Oklahoma Kid" (W. B.)
STANLEY—(3,600) (25c-40c-60c) 7 days. Al Donahue band, Ethel Shutta on stage. Gross: $17,200. (Average, $17,000)
"Fisherman's Wharf" (RKO)
"King of the Underworld" (W. B.)
WARNER—(2,000) (25c-40c) 7 days. Gross: $4,100. (Average, $4,500)

'My Heart' Clears Big $11,300, Omaha

OMAHA, March 27. — Orpheum's bill of "You Can't Cheat an Honest Man" and "There Goes My Heart" pulled a strong $11,300 gross.

"Love Affair," dualed with "The Saint Strikes Back" did well at the Brandeis at $7,000. The weather was excellent.

Estimated takings for the week ending March 22-23:

"Love Affair" (RKO)
"The Saint Strikes Back" (RKO)
BRANDEIS—(1,800) (25c-35c-40c) 7 days. Gross: $7,000. (Average, $4,000)
"Fast and Loose" (M-G-M)
"Little Tough Guys in Society" (Univ.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $5,300. (Average, $6,000)
"You Can't Cheat an Honest Man" (Univ.)
"There Goes My Heart" (U. A.)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $11,300. (Average, $7,600)

DO YOU HAVE PICTURES?

Returning to Hollywood late in April, where I can handle distribution of some independent pictures, domestic or foreign. Have excellent Coast contacts and a lifetime of executive experience in virtually all branches of the motion picture industry have equipped me to execute practically any type of assignment. My activities have covered independent and national sales, merchandising, advertising and exploitation.

Can supply wholly convincing references as to personal integrity, ability and past performances. Please address **Box 806, Motion Picture Daily, 1270 Sixth Avenue, New York City.**

G. E. to Begin Its Television July 1

Albany, March 27.—General Electric plans to begin operation of its newly constructed television station on July 1. The commercial television transmitter is above John Boyd Thacher Park in the Helderberg Mountains. It will have a 25-mile radius.

Scheuing WMCA Program Director

Ed Scheuing has been appointed director of programs and of the artists' bureau of WMCA by Donald Flamm, president.

Scheuing was head of NBC's artists' bureau for eight years, where he developed Rudy Vallee, Donald Novis, Russ Columbo and Hal Kemp's orchestra, and during the last four years he continued his own recording and management business.

Congressman Hits Forcing Programs

WASHINGTON, March 27.—Broadcasters are in a worse position than exhibitors are under block booking, according to Rep. Connery, in a statement in the Congressional Record urging adoption of his investigation of the F.C.C. While exhibitors need not show pictures he must take, broadcasters must air all programs demanded by networks, Connery said.

Hall of Television in RCA Exhibit at Fair

Revised plans for the RCA television exhibit at the New York World's Fair call for eight display sections. They include a Hall of Television, camera setup and television transmitters, "Telemobile" unit, a receiver display and Television Laboratory.

Program Adds Sponsors

WNEW's "Music Hall" series obtained three additional participacing sponsors yesterday. They are Premium Payers Adjustment Bureau, through Dillon & Demarest; Beautiderm Institute, through Weill & Wilkins, and the Star Co., through Louis F. Herman Advertising Co. Another new contract, for announcements, is Foley Sales Co., a direct placement.

Ban Mexican Station

MEXICO CITY, March 27.—Concession of Station XFAL, of 1,000 watts power, here, owned by the Compania Pan Americana de Radio, S.A., has been cancelled by the ministry of communications and public works because the station failed to abide by its franchise by giving the required number of daily broadcasts.

McGee Show to Canada

Fibber McGee and Molly program, heard over NBC and sponsored by the Johnson Floor Wax Co., will be expanded to the Canadian Broadcasting Corp. network on April 4. The addition of the 27 CBC stations will bring the program up to 100 stations.

Radio Personals

SKINNAY ENNIS, the Bob Hope maestro, has been signed by Leonard Joy to cut four sides on Victor's black label. . . . Harold and Mrs. Oxley have returned from a 10-week trip through the south. He's manager of Jimmie Lunceford's crew. Carson Robison and his Buckaroos give their final American broadcast April 3, and two days later sail for England where they will broadcast for the summer. . . . Tommy Riggs will check out of Hollywood April 2 and return to New York. . . . Cary Grant is reported set to return to "The Circle" program on April 2.

FCC Calendar

WASHINGTON, March 27.—Applications for two new broadcasting stations have been filed with the Federal Communications Commission by the Catawba Valley Broadcasting Co., Inc., Hickory, N. C., seeking a 1,370-kilocycle station with 100 watts power night, 250 watts day, and Clarence H. Frey and Robert O. Greever, Logan, W. Va., asking a 1,200-kilocycle, 100-watt daytime station.

The commission also received an amended application from the Neptune Broadcasting Corp., Atlantic City, seeking a station with 100 watts night, 250 watts day, asking for a frequency of 1,420 kilocycles instead of 1,500 kilocycles as originally applied for.

A schedule of hearings for the week was announced as follows:

March 27: Applications of Spartanburg Advertising Co. for a station at Spartanburg, S. C., and Cabarrus Broadcasting Co. for a station at Concord, N. C., both to operate on 1,370 kilocycles with 100 watts night, 250 watts day.

March 28: Applications of Lawrence J. Heller for a 1,310-kilocycle station at Washington, with 100 watts night, 250 watts day, and WFBG, Altoona, Pa., for extension of time from sharing to unlimited.

March 29: Application of Northwest Broadcast Co. for a 1,370-kilocycle station at Fort Dodge, Ia., with 100 watts night, 250 watts day.

March 31: Application of KPLT, Paris, Tex., for extension of time from day to unlimited with 100 watts night, 250 watts day.

Renew Reiser Orchestra

Al and Lee Reiser and their orchestra have been renewed for 13 more weeks on the Schaefer Beer program, heard over WEAF. The renewal will round out a full year for them on the program. Batten, Barton, Durstine & Osborn is the agency.

To Explain Television

Television will be explained to the public in a broadcast over the NBC-Blue on March 31 at 7:30 P. M. by C. W. Farrier, television coordinator, and Thomas H. Hutchinson, manager of the television program division of NBC.

20th-Fox and WOR Set Facsimile Deal

Twentieth Century - Fox and WOR have completed a tieup whereby fim publicity will be broadcast on WOR's facsimile network. The station claims 1,000 facsimile receivers in operation in this area. WOR employs the Finch and RCA facsimile systems. The 20th Century-Fox participation in the station's "Home Facsimile Edition" will begin today. Charles E. McCarthy, 20th Century-Fox advertising and publicity director, and Alfred J. McCosker, WOR president, negotiated the deal.

Lack of Funds Holds Up Economic Group

WASHINGTON, March 27.—Lack of funds and other complications have brought activities of the National Economic Committee almost to a standstill.

Other developments tending to slow down the committee's activity are the pressure of other business requiring the attention of Chairman O'Mahoney and the recent death of the father of Leon Henderson, secretary.

The funds now to the credit of the committee, it is said, are not sufficient to finance its work. If new money is not provided soon it is believed it may be necessary to lay off the staff. It is not expected that further hearings will be called until well into April.

The committee has pending in Congress a request for $2,000,000 of which $600,000 would be made available immediately. If the money is forthcoming it may alter the situation.

Three Firms Chartered

ALBANY, March 27.—Recent theatrical and film charters granted here include: 1939 Amusement Corp., New York, by Saul Rosenberg, Sarah Fernbach and Myron C. Baum; Eliot Pictures Corp., New York, by Robert D. Bloom, Rhoad Egerman and S. Harry Eilenberg, and Constance Theatre Corp., Pleasantville, by Evelyn Rustin, Grace Kidney and Hogarth S. Sweet.

Is Circuit Ad Head

SPRINGFIELD, O., March 27.—Robert E. Armstrong has been named head of the advertising and publicity department of the Regent-State Corp., a partnership of Warners and Phil Chakeres, operating several local houses. He formerly was in charge of advertising and publicity for the Jensen-VonHerberg circuit in Seattle.

'U' Transfers Engel

CLEVELAND, March 27.—Joseph Engel, local Universal branch manager for the past year, has been transferred to Albany. He will be succeeded in Cleveland by Joseph Kaufmann, Pittsburgh branch manager, whose place is being filled by Julez Lapidus, former Grand National district manager.

Studios Engaged On 33 New Films

HOLLYWOOD, March 27.—Thirty-three pictures were before the cameras this week, as four finished and three started. Thirty are being prepared, and 56 are in the cutting rooms.

Those started were: "6,000 Enemies," M-G-M; "Boys' Reformatory," Monogram; and "What a Life," [illegible] amount.

In addition to these, shooting were: "Only Angels Have Wings," Columbia; "The Restless Age," Goldwyn; "Beau Geste," "The Magnificent Fraud," "Geronimo," "Mr. and Mrs. Bulldog Drummond," "Island of Lost Men," Paramount; "Second Shot," "Little Mother," "The Girl from Mexico," RKO; "Three Texas Steers," "Blue Montana Skies," Republic; "Gone with the Wind," Selznick; "The Man in the Iron Mask," Small; "Stanley and Livingstone," "Return of the Cisco Kid," "Young Mr. Lincoln," "Second Fiddle," 20th Century-Fox; "For Love of Money," "The Oregon Trail," "The Sun Never Sets," "Backstage Phantom," Universal; "Confessions of a Nazi Spy," "Each Dawn I Die," "Family Reunion," "Gantry the Great," "Battle of City Hall," "The Old Maid," "Give Me a Child," "Enemy Agent," Warners.

Finished were: "Maiden Voyage," "A Hundred to One," "It's a Wonderful World," M-G-M, and "G-Dog," RKO.

Columbia and M-G-M each have a short subject in work. Columbia, M-G-M, RKO and Warners each finished one. Four are being prepared, and 15 are being edited.

Fairbanks Loses in US Tax Appeal Case

WASHINGTON, March 27.—Profits accruing to Douglas Fairbanks from redemption of bonds of the Elton Co., to which he had transferred his interests in nine films, were profit and not gain from sale or exchange of capital assets, it was held today by the Supreme Court.

The case came before the court on appeal of Fairbanks from a lower court decision in the case brought by the Commissioner of Internal Revenue to recover taxes allegedly erroneously refunded.

Heads Kansas City Club

KANSAS CITY, March 27.—Harry Wheeler has been elected president of the Cinema Club, Reel No. 1. He succeeds Stan Goldberg. Charles Crawford has been named first vice-president; Nelson Burrus, second vice-president; M. E. Anderson, secretary, and Al Adler, treasurer.

Florence Hume in Post

Florence Hume has taken up her duties as business manager here of Arthur Dreifuss Productions, Inc. Dreifuss is making a shorts series for Columbia release at Eastern Service Studios.

Altec Closes Contract

Altec has closed a deal with Casey and Wheeler to service the circuit's theatres in Connecticut, New York and New Jersey. Bert Sanford, New York district manager, acted for Altec.

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VOL. 45. NO. 60 NEW YORK, WEDNESDAY, MARCH 29, 1939 TEN CENTS

David Loew Will Release Through U.A.

Silverstone Signs Him For Several Years

HOLLYWOOD, March 28.—David Loew is returning to production under new auspices. The son of the late Marcus Loew, founder of Loew's, Inc., and who was an officer of Loew's and a member of that company's board for 15 years or more, has become associated with United Artists. He signed a long-term deal under which he will produce two films yearly for the latter company beginning with the 1939-40 season. Loew made his deal with Maurice Silverstone, operating head of U. A.

Silverstone previously signed a releasing deal with Sol Lesser and Ernst Lubitsch and renewed with Selznick International for the new season.

Two Next Season

Loew will deliver two pictures to United Artists next season, both of which will be high budget productions with outstanding stars and directors. The Lesser-Lubitsch deal involves the formation of a $3,000,000 production company to be headed by Lesser which will make three pictures annually for five years. Productions are slated to be budgeted at $1,000,000

(*Continued on page 3*)

Says Neely Bill Will Kill Self Regulation

Enactment of the Neely Bill would invalidate the industry's voluntary program of self-regulation of trade practices at once, Ed Kuykendall, M. P. T. O. A. president, said yesterday.

Restating his organization's stand against the bill for Government control of distribution and exhibition practices, Kuykendall asserted that the M. P. T. O. A. believes that 90 per cent of the exhibitors are opposed to the Neely Bill and, through its national officers and representative members will work for its defeat at the committee hearings on the measure opening April 3 in Washington.

Kuykendall points out that the efforts being made in Washington to obtain enactment of the measure are ill-advised on the part of its adherents both inside and outside the industry, particularly at this time. The ef-

(*Continued on page 3*)

Those New Hats!

Cincinnati, March 28.—Following protest of five women that their view of the screen had been obstructed in a local theatre, Vice-Mayor Nicholas Klien has called the attention of all managers to the State Code which makes it a misdemeanor for a manager to permit patrons to wear hats while attending a performance. There is a fine provided for violation.

It is expected the old sign: "Ladies, please remove your hats," will be resurrected.

Washington Sets In Motion Several New Trust Probes

WASHINGTON, March 28.—Department of Justice officials today disclosed that attorneys of the anti-trust division are in the field investigating numerous exhibitor complaints.

Investigators are now in Oklahoma, the Cincinnati area and in New York state. Inquiries will be made at other points from which exhibitor complaints have been received. It is understood the complaints from the Cincinnati territory have been numerous. Clearance and overbuying problems are involved.

The studies are understood to be in connection with the plan of Thurman Arnold, Assistant Attorney General, to bring 10 more film suits. The results of the investigation it was said, will have no bearing on the pending New York case, it being pointed out

(*Continued on page 3*)

SHOWS WILL GO ON DESPITE THE STRIKE

Strike Developments

Distributors arrange plan for keeping all theatres open and supplying them with product.

Local 306 members hold midnight mass meeting.

Mayor LaGuardia takes hand and urges mediation by state labor board.

Flow of product from New York exchanges at standstill. Pickets stop delivery trucks but activity is without disorder.

Counsel for union and companies hold mediation conference and will report back to clients today.

George J. Schaefer, RKO head, names an emergency committee of sales managers.

MPPDA and Majors Named in Trust Suit

Suit charging the Hays office and the eight majors with violation of the Sherman anti-trust laws was filed yesterday in the U. S. District Court by Lenrose Amusement Corp., independent owner of a theatre in Newark, who asked the court for triple damages totaling $150,000.

The complaint, in naming the Motion Picture Producers and Distributors of America, Inc., in addition to the eight majors and a number of their subsidiaries, alleges that the Hays office is dominated by the majors, which dictate its policies.

Companies Forming Plan of Supply to Avert Theatre Shutdown

Distributors are arranging means for keeping all theatres open and supplying them with product, as the second day of the projectionists' strike in greater New York and northern New Jersey passed.

Local 306 members held a mass meeting at union headquarters beginning at midnight. The strike situation was discussed. What else transpired will be made known this morning.

Extra precautions are being taken by theatre owners to protect their business and property in event the strike progresses to include theatre projectionists.

Mayor Fiorello LaGuardia has stepped into the projectionists' strike, urging mediation through the state labor board. The flow of product from the exchanges in greater New York is at a standstill. Pickets are stopping all delivery trucks but no untoward activity has occurred. The picketing is peaceful, and theatre owners and circuit heads were up the better part of the night watching the situation.

Lawyers Report Today

Judge Matthew Levy, counsel for Local 308, Judge Thomas D. Thacher and Col. William Donovan, of counsel for the companies held a mediation meeting Monday night and are to report back to their clients today. The next meeting has not been set yet and may depend on whatever arrangements are made to comply with the Mayor's request for mediation.

The mayor's request follows that of Federal Judge William Bondy on Monday. Col. Donovan was in Wash-

(*Continued on page 3*)

"The Story of Vernon and Irene Castle"

[RKO]

HOLLYWOOD, March 28.—Here is a picture which brought bursts of applause from the preview audience. Its 39 bygone but ever green song hits, revived in the musical score, are each in its correct calendar setting and all done in a manner to send the audience home whistling in praise of grand entertainment. So much for the musical side of the film, which would be enough in itself to carry a top line attraction but is only a fascinating factor in the splendid composition of this one.

Fred Astaire and Ginger Rogers have never had such substantial story material to work with and have never performed so well. The screenplay by Richard Sherman, made from an adaptation by Arthur Hammerstein II and Dorothy Yost of two books about Vernon Castle written by his widow, is literally the story of their years together. The film opens with their meeting in 1911 and ends with the dancer-aviator's

(*Continued on page 9*)

Resume Trade Pact Discussion Today

Discussions on the trade practice draft begun yesterday by company sales managers at the Hotel Astor, will be resumed today, in an effort to rush completion of the program. Yesterday's meeting lasted throughout the day. The draft may be completed today and a copy will be sent to Washington.

Frisco Host Today At "Bell" Preview

HOLLYWOOD, March 28.—A 16-car "Alexander Graham Bell" special train left here tonight on the Southern Pacific carrying 200 stars, executives and correspondents to San Francisco, where the 20th Century-Fox film based on the life of the inventor will be previewed in the Federal Theatre at the World's Fair tomorrow afternoon. Prior ceremonies will be broadcast on a half-hour national hookup.

Aboard the train were Darryl Zanuck, Joseph M. Schenck, William Goetz, Sol Wurtzel, William Koenig, and players Don Ameche, Loretta Young and her three sisters, who appear in the film. Also on the train were Tyrone Power, Sonja Henie, Al Jolson, Annabella, Douglas Fairbanks, Sr., Constance Bennett, Nancy Kelly, Richard Greene and others.

The press was represented by 135 Hollywood correspondents of major publications, press services, syndicates and photographic crews from picture magazines. Mayor Rossi of San Francisco will name Ameche Mayor for the day at City Hall ceremonies on the arrival of the train, followed by a parade over the bridge to the Fair for a tour of the grounds on elephant-back. Elsa Maxwell will be hostess at a luncheon and later banquet at the Palace Hotel following the screening. The party will return to Hollywood tomorrow night, arriving Thursday morning.

WASHINGTON TO SEE 'BELL'

WASHINGTON, March 28.—Official Washington will attend the preview of "The Story of Alexander Graham Bell" tonight. The showing will take place in Constitution Hall under the auspices of the National Geographic Society.

Claims Theatre Assault

Claiming assault by theatre patrons while ushers looked on, Isidore Mason filed suit for $25,000 damages yesterday in the N. Y. Supreme Court against Times Square Theatre Co., Inc., owner of the Apollo. On Jan. 1, 1939, the plaintiff stated, he was assaulted when he attempted to quiet patrons of the theatre celebrating New Year's Eve.

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Purely Personal

DAVID BERNSTEIN, vice-president and treasurer of Loew's, and MRS. BERNSTEIN arrive today on the *Nieuw Amsterdam* from a 46-day South American cruise. WILLIAM P. PHILIPS, vice-president and treasurer of the United Artists Theatre Circuit, also made the trip.

•

STANLEY J. MAYER, Des Moines branch manager for 20th Century-Fox, and JOHN N. DILLON, Los Angeles branch head, left yesterday with the eastern group for the Chicago convention. They had been vacationing here.

•

I. F. DOLID, assistant to NORMAN MORAY, Vitaphone sales manager, left yesterday on a week's sales trip to Warner exchanges in Buffalo, Cleveland and Detroit.

•

WALTER BRANSON, captain of the GEORGE SCHAEFER sales drive at RKO, will reach Dallas tomorrow for a Friday meeting at the RKO exchange, headed by C. W. ALLEN.

•

ROBERT SMELTZER, central district manager for Warners, with headquarters in Washington, is in town for a few days of conferences at the home office.

•

WILLIAM ROWLAND flew in from Mexico City yesterday with a print of his latest Spanish-language film, "Perfida," which he made there.

•

RUDY KNOEPFLE, Republic salesman in Cincinnati, has returned home after several months in Miami Valley Hospital, Dayton, O., following an automobile accident.

BEN GOETZ, in charge of M-G-M production in England, is due in New York tomorrow on the *Queen Mary*, with GREER GARSON and Director SAM WOOD. He is bringing a print of "Goodbye, Mr. Chips."

•

BEN KALMENSON, Warner southern and western sales chief, left yesterday on a two-week trip to the exchanges in the west and south.

•

WILLIAM WYLER, director of "Wuthering Heights," will arrive in New York today by plane from the coast.

•

GLADYS SWARTHOUT, KITTY CARLISLE, EDDIE DOWLING and VICTOR MOORE have volunteered as company chairmen in the 1939 campaign of the Greater New York Fund.

•

FAY BAINTER, Warner star, arrived in New York from the coast yesterday, prior to sailing late this week for a European vacation.

•

H. M. RICHEY, director of exhibitor relations for RKO, left yesterday for Cincinnati and Indianapolis.

•

E. M. LOEW, Boston circuit operator, has been in town conferring with sales managers.

•

PHIL CHAKERES, head of Chakeres-Warner Corp., will leave May 1 for an extended visit to his native Greece.

•

CHRIS VELAS, theatre operator in Ohio, and his bride are honeymooning in Florida.

Equity Committee Nominates Ticket

The regular ticket and councilors selected by the nominating committee of Actors' Equity was reported at the regular meeting yesterday. Burgess Meredith was named as third vice-president for a year and the following were nominated as councilors:

For five years—Augustin Duncan, Dudley Digges, Philip Loeb, Hiram Sherman, Muriel Kirkland, Patricia Collinge, Jack Whiting, Harold Vermilyea and John Locke. For one year—George Heller and Thomas Chalmers. For two years—John Alexander.

To Tender Farewell Dinner for Koerner

BOSTON, March 28.—Charles W. Koerner, division manager for RKO Theatres in New England, will be tendered a farewell dinner next Sunday evening at the Cocoanut Grove. The affair is being arranged in view of the scheduled transfer of Koerner to head the West Coast division of RKO Theatres, under John J. O'Connor.

The committee includes: Ben Domingo, Joseph H. Brennan, H. M. Addison, Sam Pinanski, Martin Mullin, Chester Grenier, Al Somerby, Harry Browning, Joe Di Pesa, Paul Levi, Elliot Norton, Charles S. Howard, George Holland, Jack Saef, Mal Massucco, Herbert McIntyre, Ross Croper, Edward F. Harkins, Tom Bailey, Emmet Gavin, Walter Kiley, Joe Saxe, John Dervin, Max Fox, Sam Berg, Richard Mahn, James O'Brien, George Gibbs, James Burke, Thad Barrows, C. S. Breed, Harry F. MacDonald, Maj. P. F. Healey, Max Levenson, Joseph Ehrlich, Jack Granara, Morry Goldstein, Charles Repen, Larry Gardner, Maurice Wolf, Steve Broidy, Martin Tuohy, Sam Torgin, William Cuddy, Bert Jacox and William Kelley.

Lubitsch Metro Film Set

HOLLYWOOD, March 28.—Next Ernst Lubitsch production for M-G-M will be "The Shop Around the Corner." Margaret Sullavan, James Stewart and Frank Morgan have the leading roles.

Chicago Dinner for Award Winner Today

CHICAGO, March 28.—Testimonial dinner being given John F. Burhorn, winner of the Quigley Grand Silver Award, at the Blackstone, tomorrow evening, will find more than 75 civic and film industry leaders in attendance.

The dinner is given by the Indiana-Illinois Theatres Corp., with details arranged by the South Chicago Chamber of Commerce. The Gayety, of which Burhorn is manager, is in South Chicago. Scheduled to appear at the dinner will be Mayor Edward F. Kelly, Alderman William A. Rowan, Frank M. Stanley, president of the S.C.C.C. and theatre exchange officials.

Industry Will Aid in Jewish Appeal Drive

Henry Ittleson, chairman of the New York Jewish Appeal for Refugees and Overseas Needs campaign, says that the motion picture industry will play an important part in the drive for funds. According to Ittleson the funds raised will be used to finance expanded emergency programs of the three outstanding Jewish agencies for refugee aid—the Joint Distribution Committee, the United Palestine Appeal and the National Coordinating Committee Fund. Fund campaigns by these three organizations will be suspended for the duration of the Appeal drive.

The Newsreel Parade

Sweepstakes winners and events in the current Nazi aggression share the newsreel spotlight in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 57—Germany takes Slovakia. Hull speaks in Washington. Yankee Clipper takes off for Europe. Twins convene in Texas. Killer captured. Basketball. Ice carnival. Track meet in Chicago. Lew Lehr interviews sweeps winners.

NEWS OF THE DAY, No. 255—Wyoming manhunt. Windsors in Paris. Egyptian wedding. Air liner crashes. Clipper leaves Baltimore. Sweeps winners. Ice carnival.

PARAMOUNT NEWS, No. 67—Hutchinsons leave on goodwill tour. American Legion in Paris celebrates anniversary. Plane crashes in Oklahoma. Convention of twins in Texas. Royal wedding in Egypt. Outlaw captured. Anti-Hitler parade. Czech war veterans in Chicago. Senator Borah speaks in Washington.

RKO PATHE NEWS, No. 72—Hitler enters Prague. "Stop Hitler" parade in New York. Sweeps winners. French ambassador to Franco. Ice pageant in New York. Windsors celebrate Legion anniversary in Paris. Posse captures Wyoming badman. Chicago track meet.

UNIVERSAL NEWSREEL, No. 757—Sweeps winners. Nazis take Slovakia. Borah condemns Nazi aggression. Anti-Hitler parade. Plane crash in Oklahoma. "Tarzan" killer is killed. Clipper leaves for Europe. Track meet in Chicago.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

David Loew Signs UA Release Deal

(*Continued from page* 1)

each. Lesser's contract with United Artists becomes effective next Sept. 1 on completion of his current RKO commitments. Lubitsch, who has two more pictures to make for M-G-M, will not join United Artists until next Jan. 1.

Signing of the Loew and Lesser-Lubitsch deals gives United Artists a minimum of 30 pictures for next season.

Edward Small will make six pictures for United Artists next season under his long term contract with the company. Titles are "My Son, My Son," "South of Pago Pago," "Food for the Gods," "The Life of Rudolph Valentino," "Twenty Years Before the Mast" and "Quantrill, the Raider."

Selznick International will deliver "Intermezzo" and "Rebecca" for the new season program. The company also has four additional properties which may be made available additionally. They are "Flashing Stream," "Ordeal," "Titanic" and "Freedom of the Press."

Rhode Island Clergy Opposes Sunday Bill

PROVIDENCE, March 28.—Rhode Island Ministers' Union has gone on record as opposing any legislation "further commercializing Sunday." The resolution was aimed particularly at the DiMascolo amendment to the Sunday entertainment law, under which the presentation of legitimate attractions would be permitted in Rhode Island.

The Rev. Walter Green of the Natick Baptist Church was appointed head of a committee to oppose the DiMascolo amendment, now in the State Senate Judiciary Committee, if and when there are hearings on it, and also to oppose any similar legislation.

Radio Columns Read By Third of Nation

Newspaper radio columns has a far wider appeal than they are commonly credited with, a survey undertaken by *Fortune Magazine* indicates. The results are published in the April issue.

Almost a third of the nation reads the radio columns faithfully, *Fortune's* survey shows, and another third sporadically. This, states *Fortune,* "is probably nearly as good a batting average as the time-honored institutions of the women's and sports pages."

Delay Arkansas Meet

LITTLE ROCK, ARK., March 28.—J. F. Norman, president of the Independent Theatre Owners of Arkansas, disclosed today that the association's annual convention, scheduled for April 2 and 3, has been postponed to April 23 and 24. The meeting will be held at the Hotel Marion here.

Read Transferred

ATLANTA, March 28. — Thomas Read, manager of the Paramount for several years, has been named manager of the Fox to succeed Hudson Edwards, who has been appointed city manager of Lucas & Jenkins theatres in Savannah.

Back to the Horse

Equipment concerns sold more hand-operated projection machines Monday and yesterday than are ordinarily disposed of to the local trade in a year's time. The socalled Movie-olas were pressed into service first by the newsreels when their projection machines were deserted by striking operators.

Screenings of shorts and some emergency material were accomplished by means of the machines in home office and exchange projection rooms yesterday.

Says Neely Bill Will Kill Self Regulation

(*Continued from page* 1)

forts to saddle the industry with Government regulation are, above all else, inopportune in that they come at a time when the Administration is endeavoring to relieve industry of unnecessary encumbrances in the interest of the general economic well-being, he said. The fact that the bill's enactment would frustrate the industry's trade practice program, now in the final phase of development, also makes the campaign being waged for it now, an ill-advised one, the M. P. T. O. A. head stated.

"M. P. T. O. A. cannot conceive the sincerity of purpose of those who would drag outsiders in to attack the business from which they derive a livelihood," he said.

Kuykendall leaves for Washington tonight or tomorrow to remain there during the hearings on the Neely Bill.

Union Case Continued

OKLAHOMA CITY, March 28.—Hearing on a motion of defendants to strike the second amended petition of the Stage Employes Local 112 asking the reinstatement of two discharged maintenance men formerly employed by Standard Theatres Corp., and Byron F. Moore, formerly general manager, the defendants, has been continued until March 31 by Judge Giddings.

Mrs. Kenny at Ampa

Mrs. T. A. Kenny, officer of Kendor Productions, will be a guest at the Ampa meeting tomorrow at the Astor. Other guests slated to attend include: Herbert Klein, producer and director of "Crisis"; Nancy Hamilton, author of "One for the Money," and Frank Fay.

Here to Buy Equipment

Fernando Jaramillo, engineer in charge of theatre construction for Cine Colombia, has arrived to purchase equipment for a new 3,000-seat theatre being erected in Bobota.

Wallace 'U' Film Set

HOLLYWOOD, March 28.—Richard Wallace's first film for Universal under his producer-director deal will be "Victoria Docks at Eight."

Handling French Film

French Film Exchange is distributing in the United States and Latin America "A Man and His Wife."

Shows Will Go On Despite the Strike

(*Continued from page* 1)

ington yesterday to confer with Department of Justice officials but neither he nor the Department would discuss the conference.

George J. Schaefer, RKO president, yesterday named an emergency committee of district sales managers consisting of Milton Kusell, Paramount, chairman; Charles Stern, United Artists; Harry Buxbaum, 20th Century-Fox, and T. J. O'Shea, M-G-M.

Plan Daily Meeting

The committee will hold daily meetings at the Film Board of Trade office where it met yesterday. Instructions were issued to all theatre owners in the metropolitan area which are designed to keep the theatres open and supplied with new product even though the exchanges remain inoperative.

The plan calls for theatre owners or managers to visit exchanges and effect payments for their shows, whereupon they are given a letter of credit to a designated theatre where the film can be picked up by them on surrender of the credit letter to the theatre owner. The letter then serves as the exhibitor's receipt for the film.

Inspections are made by theatre managers before turning the film over to the next claimant. The system may keep virtually all theatres in the city open indefinitely.

The distributors say they will make every effort to keep the plan in effect and fulfill their contracts with exhibitors. If projectionists are then called out of the theatres by Local 306, no responsibility for theatre closings can attach to distributors, they assert.

Plan Injunction

Company attorneys have begun preparation of a detailed application for an injunction restraining the union from striking and, at the same time, to test the legality of the matter.

Local 306 revoked its order for picketing of home office buildings but maintained the picket line at exchanges and newsreels. Midweek issues of the reels were completed and delivered to theatres on schedule. Home office projection rooms are operating as best they can. Some screenings were given yesterday.

Bookers, salesmen and office workers were on the job in all exchanges yesterday. These employes were utilized in the film rooms getting out a few shows which were still available for exhibitors who called for them. Some of these were from New Jersey, Westchester and Long Island points ignored by the striking operators. A union delegation, however, is reported to have asked transfer and taxi companies to refuse to handle film during the strike.

Chicago Gets WB Short

HOLLYWOOD, March 28.—Warners' historical short film "Sons of Liberty" will have its initial showing in Chicago early in April. In connection with it there will be a dinner at $10 a plate to raise funds for a statue to Haym Salomon, Revolutionary patriot upon whose life the film is based.

Basch Joins Aerograf

Charles Basch has joined Aerograf Productions Co., and will serve as eastern repreentative.

Strike 'Cure'

"Now is a good time to start television programs for theatres," a harried exhibitor observed yesterday after an unsuccessful effort to get a new show out of 630 Ninth Ave. because of the Local 306 strike.

Says 'Big' Nick Put Gangsters in Union

ST. LOUIS, March 28.—All that John P. (Big) Nick did for Motion Picture Operators Local No. 143 for the $125 a week salary was "to attend to wage negotiations," Robert Tomsen, former business agent of the projectionists union under Nick, testified at today's hearing in the suit of 19 members of the union to oust Nick, their present business agent Clyde Weston and George E. Browne from control of the union.

Tomsen declared Nick put 44 men in the union, some of them gangsters, without any of them having been voted on by the membership.

Browne talked to members of the local and told them that Nick was in complete charge and his word was law, Tomsen said.

Government Plans New Trust Actions

(*Continued from page* 1)

that it is now too late to amend that complaint to include new matter.

William J. Donovan, counsel for Irving Trust Co., RKO trustee, conferred here today with Department officials but declined to discuss the subject of the conferences. It is believed they discussed phases of the Government anti-trust suit pending in New York District court and, possibly, both the New York projectionists' strike and the exhibitor complaints being investigated by the Department currently.

The Department has not made known its intentions yet in connection with the Fox West Coast investigation, a preliminary report on which was submitted by agents of the Department recently.

G. N. Files $652,000 Suit Against U. P. P.

HOLLYWOOD, March 28.—A suit brought by Grand National against United Player Productions and Eugene Frenke seeks to enjoin the latter from failing to fulfill an alleged contract for distribution of films through G. N. from which the petitioner asserts domestic gross of half a million was anticipated. The suit asks the court order U. P. P. to turn over the pictures to G. N. or pay $652,000 damages. Superior Court Judge Emmett H. Wilson late today set Monday as date for a hearing.

SWG Board Votes To Continue Parley

HOLLYWOOD, March 28.—Conferences between representatives of the Screen Writers' Guild and producers were continued today. Continuance was voted by the board of directors of the guild at a meeting last night. As previously arranged, the N.L.R.B. hearing will remain in suspension pending negotiations.

That M-G-M Lion
has a positive
genius for delivering
big shows for big
holiday crowds—
Thanksgiving it was
"Out West With The Hardys"
New Year's it was
"Sweethearts" and now
it's "Broadway Serenade"!

Greetings from
Jeanette MacDonald in
"Broadway
Serenade"



M-G-M's MUSICAL HEART-THROB!
with LEW AYRES, IAN HUNTER, FRANK MORGAN
A ROBERT Z. LEONARD PRODUCTION
Screenplay by Charles Lederer

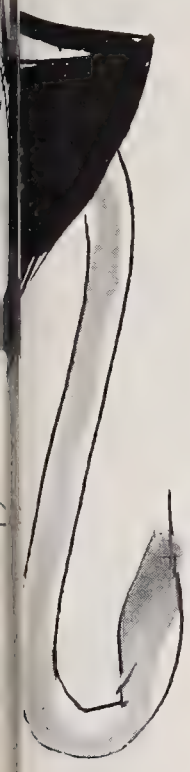
GILDING THE EASTER LILY!

We're happy to give your patrons "BROADWAY SERENADE", as sweet a holiday gold-getter as ever packed in the lads and lassies with their new Easter bonnets!

"BROADWAY SERENADE" has heart appeal, eye appeal and ear appeal —romance, spectacle and music to lift the spectator from wintry doldrums to Springtime cheer! Hear! Hear!

And speaking of M-G-M's Springtime hits:

"IT'S HEY MONEY, MONEY AND A HA-CHA-CHA!"



We have seen the new DR. KILDARE picture (*"Calling Dr. Kildare"*) and it's a thrilling fulfillment of this series' promise!

We have seen the new HARDY FAMILY picture (*"The Hardys Ride High"*) and when you see it you'll agree with us that it's their best yet! A riot of fun!

We have seen "GOODBYE MR. CHIPS" from our production unit that made *"Yank at Oxford"* and *"The Citadel"*, which won the N. Y. critics' Best Picture of The Year award! It is sensational!

And there's Robert Taylor and Myrna Loy in *"Lucky Night"*—Claudette Colbert and James Stewart in *"It's A Wonderful World"*—Johnny Weissmuller in *"Tarzan"* and a flock more.

LOTS OF TALK in the papers about 1939-40 and M-G-M has big things in store for that, BUT before Sept. 1st rolls around you're going to enjoy a merry Springtime and a Summer of gala M-G-M shows!

SUMMER, WINTER, SPRING AND FALL—AND SUMMER AGAIN —EVERY SEASON IS FRIENDLY TO YOUR BOXOFFICE WHEN YOU DEPEND ON **THE FRIENDLY COMPANY!**

20th-Fox Net for 1938 $7,252,466; Gross $60,401,473

Net profit of $7,252,466 after all charges is reported by 20th Century-Fox for 53 weeks ending Dec. 31 last, compared with $8,617,114 for the preceding year.

Fourth quarter profit of 1938 was $2,630,374, compared with $3,718,000 for the same 1937 quarter and $1,202,433 for the third quarter of 1938.

Gross income for 1938 was $60,401,473, with film rentals and accessory sales accounting for $58,201,314, an increase of $2,029,122 over the year before. The company has $1,106,797 in foreign countries where currency is either frozen or restricted.

Dividends from National Theatres Corp. are included in the report in the amount of $822,000, compared with $1,134,000 the year before. The dividends are received in the fourth quarter of each year.

National Theatres and its voting controlled domestic subsidiaries had consolidated net income of $2,617,653 for 1938. The 1937 income was $2,988,228. Twentieth Century-Fox has a 42 per cent interest in National Theatres and on the basis of income earned $1,099,414 in the theatre company last year.

Twentieth Century-Fox has an investment of $14,471,711 in affiliated companies.

G. B. Investment $3,737,567

The report shows an investment in Gaumont British holding companies of $3,737,567. The companies are United American Investing Corp., which is owned 50 per cent by 20th Century-Fox, and Metropolis & Bradford Trust Co., Ltd., in which M-G-M has an interest.

Other investments in and advances to affiliated companies, at cost or written down value, are: National Theatres Corp., representing investment in 42 per cent of the capital stock, $8,859,886; Roxy Theatre, Inc., at cost, $893,636; Hoyts Theatres, Ltd., of Australia, advances only, $372,000, and Movietonews, Inc., and sundry other companies, $608,619.

The consolidated balance sheet last Dec. 31 shows current assets of $31,275,908, including cash of $6,502,168, as against current liabilities of $6,211,515. Inventories increased during the year by $2,223,927, to $21,658,447, due to higher production costs. There was no change during 1938 in the method of amortizing picture costs.

Roxy Profit $110,095

Net operating profit of $110,095.62 is shown by Roxy Theatre, Inc., for 51 weeks ending last Aug. 25. This is for the period since the inception of the new company under 20th Century-Fox. The report is attached to the annual financial report of the film company.

The Roxy's receipts for the 51 weeks were $2,156,693.31 and other unspecified income $35,776.74. Operating expenses were $1,780,595.59.

Remodel Two in Marion

MARION, O., March 28.—Marion, local unit of Northio Theatres, Inc., has reopened after a general renovation costing $20,000. A new $2,500 front has been built at the Palace, sister house.

First Giveaway

Milwaukee, March 28.—For the first time in local theatre history a first run is resorting to a giveaway as a box-office lure. Starting April 12, Fox's Palace will give away $1,000 or more each Wednesday night. House is now taking free registrations in its lobby. Question now being raised is whether the Warner or E. J. Weisfeldt's Riverside will follow suit on the giveaway policy.

Cuba May Increase Film Import Duties

Cuba is considering a measure to raise import duties on films to protect the growing domestic industry, according to Eddie LeBaron, head of LeBaron Productions, who has returned from Havana. He surveyed distribution possibilities there.

This is the trend throughout South America where local studios have been established, he said. The Cuban Government has exempted Peliculas Cubanas, the country's major studio, from taxes. Chic, another production company, has just been formed.

LeBaron said that "Mi Tia de America" ("My American Aunt"), produced by Jaime Salvador for Peliculas Cubanas, is proving a big attraction. The film cost $60,000 and has already grossed $37,000 in Cuba.

LeBaron, who conducts an orchestra in the Rainbow Room in Rockefeller Center, is also a producer of Spanish-language films. His "Castles in the Air" is being released by Monogram and is now being shown at the Regis Theatre, Mexico City.

Legion Approves 9 Of 11 New Pictures

National Legion of Decency this week approved nine of 11 new films, six for general patronage and three for adults, classed one as objectionable in part, and condemned one. Both the latter are French films. New films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "Mexicali Rose," "Mr. Moto in Danger Island," "North of the Yukon," "Rough Riders Roundup," "Story of Vernon and Irene Castle," "Three Smart Girls Grow Up." Class A-2, Unobjectionable for Adults: "The Hound of the Baskervilles," "Prison Without Bars," "Sergeant Madden." Class B, Objectionable in Part: "Crossroads" (French). Class C, Condemned: "With a Smile" (French).

Allows 'Lynton' Appeal

Appeal to the Circuit Court of Appeals from the decision of Federal Judge Vincent L. Leibell, which awarded a judgment of $532,000 in addition to $70,000 in fees and allowances against M-G-M for plagiarism in the picture, "Letty Lynton" of the play "Dishonored Lady," was allowed yesterday by Federal Judge Samuel Mandelbaum. The notice of appeal listed 62 alleged errors committed by Judge Leibell in awarding judgment to Edward Sheldon and Margaret Ayer Barnes, the plaintiffs.

Will Award Prizes At 20th-Fox Meet

Twenty branch managers of 20th Century-Fox will receive checks representing awards in the 1938 S. R. Kent Drive, at the three-day sales convention which will be held in Chicago beginning tomorrow. About 350 employes will share in the awards. The checks will be presented by J. P. O'Loghlin, Canadian district head and drive leader.

The eastern contingent of home office executives and New York branch representatives, as well as delegates from Boston, Philadelphia, Albany and St. John, left for the convention last night. About 90 were in the group.

Whether Joseph M. Schenck, chairman of the board, will attend the convention is indefinite. He will attend the premiere of "The Story of Alexander Graham Bell" at the World's Fair in San Francisco today, and may fly to Chicago.

Listing of the field staffs scheduled to attend the convention follows:

From Eastern Division

Boston—T. H. Bailey, district manager, F. X. Callahan, branch manager, H. S. Alexander, sales manager, J. A. Feloney, J. M. Connolly, H. Gold, H. Simonds, S. Berg, T. Murray; Philadelphia—Edgar Moss, district manager, S. Gross, branch manager, A. Davis, W. G. Humphries, B. R. Tolmas, J. E. Skillman, F. J. Kelly; Pittsburgh—Ira Cohen, manager, C. C. Kellenberg, sales manager, E. S. Thorpe, A. Interrante, G. Moore, J. B. Hanna; New York—H. H. Buxbaum, manager, J. J. Lee, sales manager, M. Sanders, office manager; M. Kurtz, R. Gledhill, W. Schutzer, A. Blumenstein, S. Florin, G. Blenderman; Buffalo—Sydney Samson, manager, W. C. Rowell, G. E. Dickman, M. W. Kempner, L. E. Blumenfeld; Cincinnati—J. J. Grady, manager, R. Laws, assistant manager, E. A. Burkhardt, J. A. Needham, L. J. Bugie, E. C. Naegel, J. Neff; Cleveland—G. A. Roberts, district manager, I. J. Schmertz, branch manager, E. R. Bergman, S. N. Lichter, T. Scheinberg, F. J. Hunt; Albany—M. Grassgreen, manager, D. E. Remer, B. Dare, D. Houlihan; New Haven—B. A. Simon, manager, E. Wright, S. Germain; Washington—S. N. Wheeler, manager, J. M. Cohan, office manager, S. Diamond, F. B. Klein, J. A. Murphy, C. G. Norris, Mrs. S. Young.

Western Division

Western Division: Kansas City—W. E. Scott, district manager, G. W. Fuller, branch manager, W. J. Kubitzki, sales manager, J. F. Woodward, C. Knickerbocker, H. Kinser, M. A. Tanner; Charlotte—Phil Longdon, manager, J. E. Holston, G. E. Ebersole, J. O. Mock, C. T. Hardon; St. Louis—B. B. Reingold, manager, J. A. Feld, G. H. Ware, L. I. Williams, A. Eskin, Miss F. Patke; Atlanta—H. G. Ballance, district manager, Paul Wilson, office manager, R. G. McClure, sales manager, M. Mitchell, R. H. Fairchild, F. R. Dodson, H. P. Laseter, R. H. Ford; Oklahoma City—Charles W. Clark, manager; M. W. Osborne, G. L. James, G. K. Friedel; Denver—R. J. Morrison, manager, H. Rennie, L. C. Paulson, C. A. Larson, Miss A. LeGendre; Dallas—H. R. Biersdorf, manager, W. S. Miller, sales manager, J. E. Gribble, N. E. Houston, D. W. Scott, T. Hendrix, T. P. Tidwell; Memphis—T. W. Young, manager, N. Wyse, T. I. Baskin, M. Sheridan; New Orleans—E. V. Landaiche, manager, H. P. Shallcross, G. R. Pabst, G. J. Broggi; Portland—C. F. Powers, manager, C. L. Robinette, V. A. Whitcomb; Los Angeles—J. N. Dillon, manager, W. T. Wall, B. F. Robinson, M. Sudmin; Salt Lake City—Charles L. Walker, manager, C. J. Hallstrom, assistant, manager, J. D. McElhinney, J. L. Tidwell, V. J. Dugan, P. M. Smoot; San Francisco—G. M. Ballentine, manager, A. Laurice, J. M. Erickson, F. C. Bernard, J. W. Flanagan, Miss R. Telfer; Seattle—H. Edmond, manager, J. W. Spear, H. A. P. Frederick, J. W. Brooks.

From Southern Division

Central Division, including Canada: Chicago—C. W. Eckhardt, manager; A. M. Van Dyke, office manager; E. P. Grohe, H. Goodamote, Jack Eckhardt, Wilbur Hallwachs, Howard De Tamble, F. Sliter, N. Simon, H. Loeb, F. Wagner; Detroit—Lester Spurm, manager; A. D. Knapp, E. A. Westcott, R. Carrow, R. B. Berke, L. Sanshie; Minneapolis—M. A. Levy, district manager; J. M. Podoloff, branch manager; E. Lorentz, J. S. Cohan, W. G. Mussman, L. Cohen, N. F. Hall, H. Lyons, P. Lundquist; Milwaukee—J. H. Lorentz, manager; M. Horwitz, G. Edgerton, C. Michel, M. Kahn, Ray Schultz, Gene Sichelman; Des Moines—S. J. Meyer, manager; H. Gottlieb, A. W. Riegelman, E. P. O'Neill, E. Jacobs; Indianapolis—G. T. Landais, manager; J. R. Neger, sales manager; H. L. Hancock, G. J. Black, T. McCleaster, J. Ricketts; Calgary—V. M. Skorey, manager; F. L. Scott; Montreal—E. English, manager; J. F. Pearson, O. Brault; St. John—R. G. March, manager; Toronto—J. P. O'Loghlin, district manager; H. J. Bailey, branch manager; W. J. Reid, L. Lester, E. O'Loghlin, J. W. Powis; Vancouver—J. E. Patterson, manager; E. H. Teel; Winnipeg—J. H. Huber, manager; C. Krupp.

'Kid' in Cleveland Hits Big $14,000; Lopez Draw Heavy

CLEVELAND, March 28.—"Oklahoma Kid" did $14,000 at Warners' Hippodrome. Vincent Lopez and his orchestra was the big draw at the RKO Palace where the take was $17[illegible] with "Wife, Husband and Friend" on the screen. "The Beachcomber" playing a second week at the Allen did $5,000. The weather was excellent.

Estimated takings for the week ending March 24:

"The Beachcomber" (Para.)
ALLEN—(3,000) (30c-35c-42) 7 days, 2nd week. Gross: $5,000. (Average, $4,000)
"Oklahoma Kid" (W. B.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $14,000. (Average, $12,000)
"Wife, Husband & Friend" (20th-Fox)
RKO PALACE—(3,100) (30c-42c-55c) 7 days. Stage: Vincent Lopez. Gross: $17,000. (Average $15,000)
"Ice Follies of 1939" (M-G-M)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $9,000. (Average, $13,000)
"St. Louis Blues" (Para.)
LOEW'S STILLMAN—(1,900) (30c-35c-42c) 7 days. Gross: $2,800. (Average, $4,000)
"With the People for the People" (A. B. Szensk Filmindustri)
CITY—(485) (35c-42c) 7 days. Gross: $750. (Average, $1,200)

'Kid' and 'Torchy' $10,500 in Buffalo

BUFFALO, March 28.—A dual at the Century, "The Oklahoma Kid" and "Torchy Blane in Chinatown," earned $10,500.

"Ice Follies of 1939" at the Great Lakes took $7,900. "Tail Spin" teamed with "Everybody's Baby" at the Hippodrome did $6,800. The weather was fine.

Estimated takings for the week ending March 25:

"Cafe Society" (Para.)
BUFFALO—(3,000) (30c-55c) 7 days. Gross: $10,500. (Average, $12,000)
"The Ice Follies of 1939" (M-G-M)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $7,900. (Average, $7,500)
"Tail Spin" (20th-Fox)
"Everybody's Baby" (20th-Fox)
HIPPODROME—(2,500) (25c-40c) 7 days. Gross: $6,800. (Average, $6,800)
"The Oklahoma Kid" (W. B.)
"Torchy Blane in Chinatown" (W. B.)
CENTURY—(3,000) (25c) 7 days. Gross: $10,500. (Average, $6,000)
"The Spirit of Culver" (Univ.)
"The Last Warning" (Univ.)
LAFAYETTE—(3,300) (25c) 7 days. Gross: $7,800. (Average, $6,300)

Weinberg to Republic

CINCINNATI, March 28.—Charles Weinberg has resigned as booker for United Artists to become West Virginia salesman for Republic, replacing Sam Haber.

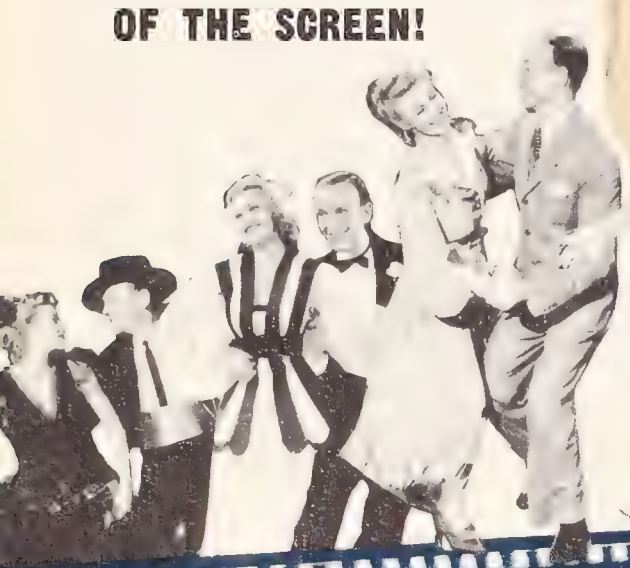
SENSATIONALLY DIFFERENT!

FRED AND GINGER IN A DRAMATIC ROMANCE TAKEN FROM LIFE! . . .

EXCITING! THRILLING! BEAUTIFUL!

A story written by life and events to be played ONLY by Fred and Ginger! . . . The true-life romance of the couple who made dancing the world's favorite pastime!

A story that will leave you limp with TEARS . . . . . and gloriously glowing with a great Cavalcade of the Dance, re-creating The Castle Walk, The Maxixe, The Tango, The Texas Tommy! . . . All the gaieties and glories, the swift drama and glamorous pageantry of a warmly-remembered yesterday parading before your eyes! . . . TRULY THE EXTENDED RUN SENSATION OF THE SCREEN!





THE STORY OF VERNON AND IRENE CASTLE

STARRING

FRED ASTAIRE GINGER ROGERS

with

EDNA MAE OLIVER

WALTER BRENNAN

LEW FIELDS • JANET BEECHER

• ETIENNE GIRARDOT •

PANDRO S. BERMAN in charge of Production

Directed by H. C. Potter Produced by George Haight

Screen Play by Richard Sherman

Adaptation by Oscar Hammerstein II and Dorothy Yost

Told to the tunes of all the hit songs of the past two decades!

RKO RADIO PICTURES

LITHO U.S.A.

'Island' $12,500 For Indianapolis

INDIANAPOLIS, March 28.—Eddy Duchin's band on the stage and "Blackwell's Island" on the screen turned in $12,500 at the Lyric. Ted Lewis on the stage, with "Sudden Money" on the screen brought $8,500 to the Circle. "Huckleberry Finn" at Loew's took $8,500. "The Little Princess" did well in its second week at the Apollo, where $2,500 was taken

Estimated takings for the week ending March 24:

"The Little Princess" (20th-Fox)
"Everybody's Baby" (20th-Fox)
APOLLO—(1,100) (25c-40c) 7 days, 2d week. Gross: $2,500. (Average, $2,500)
"Sudden Money" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Stage: Ted Lewis and show. Gross: $8,500. (Average, $5,000)
"Love Affair" (RKO)
"The Great Man Votes" (RKO)
INDIANA—(3,200) (25c-40c) 7 days. Gross: $6,000. (Average, $5,000)
"Huckleberry Finn" (M-G-M)
"Homicide Bureau" (Col.)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $8,500. (Average, $7,000)
"Blackwell's Island" (W. B.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Eddy Duchin's band show. Gross: $12,500. (Average, $8,000)

Urges Resumption of Ticket Levy in Ohio

COLUMBUS, O., March 28.—Spokesman for the Farm Bureau Federation, appearing before the joint committee on permanent relief, has urged reinstatement of the former 10 per cent admission tax as a means of raising funds to finance the state relief program.

His argument that the admission tax was practically the only state impost that showed an increase in 1938 over the 1937 returns, is answered by P. J. Wood, secretary of the Ohio I.T.O. in the current organization bulletin, as being due to more rigid tax enforcement rather than to an increase in business. Ohio exhibitors now pay a three per cent retail sales tax, based on gross returns.

Kansas Legislature To Adjourn April 3

TOPEKA, KAN., March 28.—Kansas legislature will cease consideration of all bills Thursday and will adjourn April 3. Both houses have passed resolutions to that effect.

Still on the Senate calendar is Senator Hackney's censorship bill which bans block booking. Blake Williamson's divorcement measure has bogged down in the Senate judiciary committee, which recalled it after having reported it out for passage. The bill was passed by the House. The committee, according to one report, late last week was divided nine to eight against reporting it out.

English Film Units Discuss Television

LONDON, March 28.—Cinematograph Exhibitors' Association and the Kinematograph Renters' Society met today in a consideration of television policy. No definite agreement was reached, but the two organizations will examine the situation separately and probably will meet again.

A large delegation attended, representative of various sections.

Hollywood Previews

"The Story of Vernon and Irene Castle"

(*Continued from Page* 1)

death in the final year of the war. Theirs was a romance and experience and success of glittering adventure, gay and sad by turn, and although Astaire and Rogers are Astaire and Rogers impersonating Vernon and Irene Castle at the start of the picture, they are Vernon and Irene completely for the last 60 or more of its 90 brilliant minutes. Lew Fields' performance of himself is an important influence on the side of verity and Edna Mae Oliver is excellent, as is Walter Brennan, in principal support.

As produced by George Haight and directed by H. C. Potter, the picture would be a wholly satisfying love story without the music numbers that make it so much more so. Among these immensely effective incitements to audience reaction, manifested in repeated outbursts of applause during the Hollywood preview, are such memorable songs as "Oh, You Beautiful Doll," "Waiting for the Robert E. Lee," "Darktown Strutters Ball," "Too Much Mustard," "Yama Yama Man," "Glow Worm," "The Missouri Waltz," and all the tangos, fox trots and specialty numbers the Castles made unforgettable. Every one was a hit in its era, and to these has been added a modern number of comparable caliber by Con Conrad, Herman Ruby and Bert Kalmar.

The Astaire-Rogers dancing is, as it has been in each of their successive pictures, by far their best. In this case they dance not merely because they are good at it and are expected to do a lot of it, but because a lot of good dancing is an essential part of the Castle story. They dance the dances the Castles did and there are no documentary films to argue that the Castles danced them better. As a music film, as a dance film, and as a biographical film retelling a famous love story, the picture is equally meritorious, artistic, entertaining and sound. Exploited as any one of these things it is a commanding article of screen merchandise. Taken altogether, it is a triple-plated box-office quantity.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

"Torchy Runs for Mayor"

(*Warners*)

HOLLYWOOD, March 28.—This installment of the Glenda Farrell-Barton MacLane reporter-detective series is about as full of melodramatic plot, counterplot and counter-counterplot as one feature-length film can be. John Miljan is the villain in this particular attempt to rid the unnamed city of crime, while Tom Kennedy, Frank Shannon, Joe Cunningham, Joe Downing and a staple Warner cast portray other characters on opposite sides of the law. It's fast, lively and contains a number of amusing incidents in addition to the serious ones.

The screenplay is by Earle Snell, from an idea by Irving Rubine based on characters created by Frederick Nebel, and the direction is a slick job by Ray McCarey, officiating for associate producer Bryan Foy.

The story is pretty complex for quick synopsis. Miss Farrell gets so much evidence against Miljan, the power behind the city government, that ranking newspapers are afraid to print her stories. So she gets a community newspaper publisher to print the news, grooms him to run for mayor as a recall candidate, then finds herself replacing him as candidate after Miljan murders him. The manner and means of removing Miljan from local politics and the land of the living are, from there on, melodramatic in the exciting extreme.

Running time, 60 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

Dismissal Is Sought In Okla. Trust Suits

OKLAHOMA CITY, March 28.—Motion to dismiss the amended petition without answering the merits of the same were filed this week by defendant attorneys in the $5,000,000 federal anti-trust suits numbers 6516-L and 6517-L, in which A. B. Momand, Shawnee, Okla., independent theatre operator, is plaintiff. Momand's attorneys last week filed a bill of particulars as ordered by Federal Judge A. P. Murrah.

Sunday Fines Upheld

CAMBRIDGE, O., March 28.—Appellate Court has approved $50 fines of Dan Gilhula of the Cort and State Theatres here and three employes. They were arrested several weeks ago for operating Sunday films, and fined $50 and costs by the Mayor.

Set Club Party May 1

MILWAUKEE, March 28.—Local Variety Club will hold a ball, May 1, in the Schroeder Hotel. A recent membership drive resulted in the addition of about 30 new members.

"Princess" at $16,000 Leads San Francisco

SAN FRANCISCO, March 28.—"The Little Princess" paired with "Winner Take All" grossed a strong $16,000 at the Warfield. "Love Affair" at the Golden Gate drew $16,500 and was held for a second week.

Also good was $8,000 for the second week of "Made for Each Other" at the United Artists. "The Story of a Cheat," playing at the Clay, pulled a good $750 for the third week.

Estimated takings for the week ending March 21-23:

"Love Affair" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 2nd week. Gross: $16,500. (Average, $16,000)
"Made For Each Other" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c-65c) 7 days, 2nd week. Gross: $8,000. (Average, $7,000)
"Spirit of Culver" (Univ.)
"Society Smugglers" (Univ.)
ORPHEUM—(2,440) (15c-35c-40c-55c) 7 days. Gross: $7,300. (Average, $8,500)
"Oklahoma Kid" (W. B.)
"My Wife's Relatives" (Rep.)
FOX—(5,000) (15c-35c-40c-55c-75c) 7 days. Gross: $15,500. (Average, $17,000)
"Cafe Society" (Para.)
"Ambush" (Para.)
PARAMOUNT—(2,740) (15c-35c-40c-75c) 7 days. Gross: $11,500. (Average, $13,000)
"Wife, Husband and Friend" (20th-Fox)
"Persons in Hiding" (Para.)
ST. FRANCIS—(1,40) (15c-35c-40c-55c-75c) 7 days. Gross: $5,400. (Average, $7,000)
"The Little Princess" (20th-Fox)
"Winner Take All" (20th-Fox)
WARFIELD—(2,680) (15c-35c-40c-55c-75c) 7 days. Gross: $16,000. (Average, $13,000)
"The Story of a Cheat" (Gallic)
CLAY—(400) (15c-35c-40c) 7 days, 3rd week. Gross: $750. (Average, $1,300)
"The Great John Ericsson" (Scandinavian)
LARKIN—(390) (15c-35c-40c) 7 days. Gross: $750. (Average, $1,300)

'Pygmalion' Does $11,000, Montreal

MONTREAL, March 28.—"Pygmalion" drew a smash $11,000 at Loew's and was held over.

"The Little Princess" earned $9,000 at the Palace. "Cafe Society" and "Third of a Nation" grossed $7,500 at the Capitol while "The Three Musketeers" brought $4,500 to the Princess.

Estimated takings for the week ending March 25:

"Cafe Society" (Para.)
"One Third of a Nation" (Para.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $7,500. (Average, $8,000)
"Pygmalion" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: $11,000. (Average, $7,000)
"Stagecoach" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,500, 2nd week. (Average, $5,000)
"The Little Princess" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $9,000. (Average, $10,000)
"The Three Musketeers" (20th-Fox)
"Charlie Chan in Honolulu" (20th-Fox)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $4,500. (Average, $6,500)

Two Companies Formed

FRANKFORT, Ky., March 28.—Charters have been granted to W. R. and Edna E. Shager and John B. Elliott for the Irvine Amusement Company at Irvine and the Morehead Amusement Co. at Morehead to operate film houses and other forms of public entertainment. The companies were capitalized at $10,000 each.

Thompson Named to Sykes' FCC Place

WASHINGTON, March 28.—Nomination of Frederick I. Thompson of Mobile, Ala., to succeed Eugene O. Sykes, resigned, as a member of the Federal Communications Commission, was sent to the Senate for confirmation today by President Roosevelt. The new appointee would serve for the remainder of Sykes' term of seven years from July 1, 1934.

Thompson, long prominent Alabama newspaper publisher, was born in 1875. He served as a member of the old United States Shipping Board, following appointment by President Wilson in 1920, through Harding and Coolidge Administrations, to 1925. Since 1935 he has been Alabama State Docks Commissioner.

193 Stations Plan to Air 'Dodge' Opening

A total of 193 stations will broadcast the Warner premiere of "Dodge City" at Dodge City, Kan., on Saturday, with the addition of the 103 stations in the Mutual network. The NBC Red and Blue networks of 90 stations also will cover the event. The broadcast will be from 8 to 8:30 P.M.

The 16-car special from Hollywood will carry five players from the film, Errol Flynn, Ann Sheridan, Alan Hale, Frank McHugh and Victor Jory. Also, there will be Priscilla and Rosemary Lane, Jane Wyman, Gloria Dickson, Wayne Morris, Jean Parker, Claire Windsor, Anita Louise, Eddie Foy, Lya Lys, John Payne, Marie Wilson, Michael Curtiz, director of "Dodge City"; John Garfield, Humphrey Bogart, Allan Jones, Mary Brian and Mary Carlisle.

Radio Editors Will Broadcast Tomorrow

Radio editors and a syndicate feature writer will be presented over CBS tomorrow at 6:45 P.M. under the auspices of the National Association for the Prevention of Radio Interference, discussing ways of improving reception. Speakers are Tom Brooks, *Journal-American;* E. L. Bragdon, *New York Sun;* Leonard Carlton, *New York Post,* and Ted Rogers of the Scripps-Howard papers.

Garner Joins WSAI

CINCINNATI, March 28.—Dewey Long, general manager of WSAI, has appointed Richard W. Garner as promotion manager.

Deaf Physician Now Hears Radio

Cincinnati, March 28.—Dr. C. Eberle Thompson, 104-year-old practicing physician of nearby Bethel, O., practically deaf for several years, now is able to listen to his radio through hearing tests conducted by Phil Underwood, WLW recording engineer and his assistants, who brought the doctor's radio to the station and installed a special amplifier with earphones.

Fidler Is Toned Down by Networks and Sponsors

Upon returning from the Coast, Major Lenox R. Lohr, president of NBC, revealed that both the sponsor and the sponsor's agency handling Jimmy Fidler's broadcasts and the commentator himself, have agreed to be more discreet in the future on the air.

"This action must not be construed as a 'gag' on Fidler," Lohr explained. "We merely pointed out to him that it was more important, and of greater public service, for him to tell people what pictures to see, rather than what pictures to avoid."

On the Coast, Lohr also discussed the film-radio situation with Harry Warner and Louis B. Mayer but would not make any comment regarding the nature of the conversations which were held.

Lohr ventured the opinion that the controversy between films and radio was a "press manufactured" one and that it is unlikely to break out again for some time to come.

Fidler broadcasts over both NBC and CBS. He is sponsored by Procter & Gamble. H. W. Caster & Sons, of Chicago, is the agency.

Endorses Retention Of Canada Radio Fee

OTTAWA, March 28.—Continuation of the present $2.50 license on radio receiving sets was endorsed by the Radio Committee of the House of Commons on a motion by J. G. Ross.

He said evidence of the Canadian Broadcasting Corp. officers as to "curtailment of service that must result from any reduction in revenue" had been heard and should be adopted by the committee as a warning of what would happen if the fees were cut. The motion was carried and a second motion by Ross that the main motion be sent to the House of Commons as an interim report was carried without a vote.

Musicians' Protective Association has taken steps to block the proposed reduction. The association has protested to the Radio Committee of the Canadian Parliament against the radio fee reduction.

Moffat Amends Bill On Radio Liability

ALBANY, March 28.—Assemblyman Abbot Low Moffat has strengthened his measure extending freedom from action against stations, commentators and announcers by amendment on the Assembly third reading. The amended bill will be voted on later in the week.

The Perry legislation to prevent the sale of "outlaw recordings" made from broadcasts, was advanced to third reading in the Senate, with passage due today or tomorrow.

Close Deal on WCKY

CINCINNATI, March 28.—Local stores of Sears Roebuck have signed with WCKY for five-minute broadcasts of baseball scores, at 5:30 P.M. daily, beginning April 17. Rex Davis, sports commentator, will be at the mike. Account placed by the local Frederic Ziv agency.

On WLW Promotion

CINCINNATI, March 28. — Beulah Strahway has been appointed head of the WLW-WSAI promotion department, replacing W. C. Guenther, who becomes coordinator of exploitation on the Crosley facsimile and television.

May Drop "Magic Key"

Fate of the RCA-sponsored "Magic Key" program on NBC will be decided this week. It is believed likely that the program will be taken off the air, at least for the summer.

Intercity Net Will Air Fair Programs

Preparing for the opening of the New York World's Fair, cities along the Atlantic coast will present a weekly series of special broadcasts saluting the Fair on successive Sundays from 2:30 to 3 P.M., to be broadcast through WMCA and associated stations of the Intercity network.

The salutes, beginning with a Philadelphia acknowledgment this Sunday originating in WIP, is titled "Intercity Salute," and is an extension of the foreign salutes from European nations which were featured on the networks during past weeks. WLAW, Intercity station in Lawrence, Mass., will present the second salute. Other broadcasts will originate from WMEX, Boston; WCBM, Baltimore; WOL, Washington; WPRO, Providence; WDEL, Wilmington; WGAL, Lancaster, and WORK, York.

Senate Passes Bill On Recordings Sales

ALBANY, March 28.—The Senate today passed the bill of Senator Charles D. Perry making larceny of the unauthorized sale of broadcast records. The measure was passed by a vote of 47 to 1, Senator Arthur Wicks being the only dissenter.

WCOA Joining NBC

WCOA, Pensacola, which joins NBC on Sunday as a supplementary affiliate of the Red and Blue networks, bringing the total number of NBC stations to 172, will be saluted by the network that same day. Pensacola Broadcasting Co. owns the station, which operates with 1,000 watts power during the day and 500 watts at night.

Ball Games on KGO

SAN FRANCISCO, March 28.—KGO baseball broadcasts have started, with the veteran sportcaster, Ernie Smith, airing the first of four practice games between the Pittsburgh Pirates and San Francisco Seals. On April 1 Pacific Coast league games start under the sponsorship of the Goodrich Co. and General Mills, Inc.

Griffin Show to Resume

"Time to Shine," featuring Hal Kemp and guest stars will return to CBS May 21 for the summer for the Griffin Manufacturing Co., makers of shoe polish. The program will be broadcast over at least 40 stations.

Radio Personals

CARY GRANT will return to "The Circle" program April 2 . . . Twins, a boy and a girl, have been born to Mr. and Mrs. Sam Weiss. The father is with WNEW . . . Felix Knight has been renewed for the fifth time on the Schaefer program over WEAF . . . Harry Pascoe, chief continuity writer at WMCA, has written an announcers' guide . . . Dave Kaonohi, tenor on the Phil Baker program, has been renewed for another 13 weeks.

Calls Canada Radio Business Monopoly

EDMONTON, March 28.—Charging the radio business in Canada constitutes a monopoly, R. J. Gaunt, investigating commissioner, has recommended to the Alberta Government that the present method of wholesale distribution called for prosecution under the Combines Act. Suggesting prosecutions "be commenced against Thermionics Ltd., and all companies licensed by Thermionics Ltd., to manufacture or sell radio tubes in Canada" the report declared that it deemed advisable steps be taken to institute an investigation under the Combines Act into the manufacture and distribution of radio tubes.

Gaunt suggested the possibility of the Alberta Government taking over the sale of tubes in this province but feared such a move would result in court action with Thermionics Ltd., Toronto, patent holders. As a second and more hopeful suggestion he recommended petitioning the Federal Government for alteration of patent legislation.

Crosley Plans New Cincinnati Studio

CINCINNATI, March 28.—Crosley Corp. has leased the entire 48th floor of the Carew Tower, 574 feet above the street level, in the heart of the downtown business sector, in which facsimile broadcasting studios, control and observation rooms, and a projection room for pictures will be built upon granting of a television construction permit, recently applied for to the F.C.C.

Plans call for construction of an ultra-high frequency transmitter, and two broadcasting units consisting of a video and an audio transmitter. The station will operate on 1,000 watts power, on a frequency band between 50 and 56 megacycles. It is expected that the power will be increased after tests are made.

Air Film Critics Friday

Radio Film Critics will present a portion of an informal meeting on the air over WHOM from 3:30 to 3:45 P. M. Friday, discussing the problems of radio critics and of the radio and film industries.

Ken Craig Joins KSFO

SAN FRANCISCO, March 28.—Ken Craig, formerly of KNX, Hollywood, has replaced Vance Graham on the announcing staff of KSFO here. Graham resigned due to ill health.

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Alert, Intelligent and Indispensable to the Motion Picture Industry

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First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 61 NEW YORK, THURSDAY, MARCH 30, 1939 TEN CENTS

20th-Fox to Open Meet at Chicago Today

280 Delegates Attending Annual Sales Parley

CHICAGO, March 29.—With 280 delegates attending from the branches, home office and foreign field, the annual sales convention of 20th Century-Fox starts here tomorrow for three days at the Congress Hotel. Sidney R. Kent, president, and Herman Wobber, sales chief, arrived today from the coast.

Executives will discuss the effect of the proposed trade practice program on sales policies and 1939-40 contracts. The foreign situation will also be a major topic.

Wobber to Preside

Wobber will preside at all sessions. The meeting will open tomorrow morning with roll call by Jack Sichelman, assistant to Wobber. Then there will be addresses by three executives of National Theatres, 20th Century-Fox affiliate, including Spyros Skouras, operating head, William T. Powers, chief film buyer, and J. J. Sullivan, Fox West Coast film buyer.

At this session addresses will also be heard by Felix A. Jenkins, general counsel of the company, and William J. Kupper, western division manager.

Foreign heads will speak at tomorrow's afternoon session. On the program are Walter J. Hutchinson, director of foreign distribution; Sir Gordon Craig, British Movietone chief; R. Sutton Dawes, British sales manager; C. V. Hake, Australian managing director; A. Ruscica, manager in Chile; Leo Brandfeld, former manager in Czechoslovakia, and Harold Rosenfeld, former Vienna manager.

William J. Clark, general sales manager of shorts and news, will then outline his department's program for the new season. J. P. O'Loghlin,

(*Continued on page 5*)

Distributors Finish Trade Pact Parleys

Distributors have completed their trade practice discussions. The final draft is now up to the lawyers. Yesterday, company sales managers and the lawyers held another meeting for discussion of last-minute matters. The speed with which the draft is completed is up to the attorneys.

Alcohol Board Asks Liquor Air Ad Ban

Washington, March 29.—Officials of the Federal Alcohol Administration and Anti-Saloon League, today told the Senate Interstate Commerce Committee that enactment of the Johnson Bill prohibiting radio advertising of liquor would tend to improve conditions on the air.

Neville Miller, president of the National Association of Broadcasters, urged rejection of the measure, explaining that while he was not out of sympathy with its aims it set up "dangerous and unnecessary precedents."

Will Set Early Trial In Studio Union Case

HOLLYWOOD, March 29.—Judge Emmett H. Wilson today ordered a continuance of the hearing on motions and demurrers in the litigation over control of Studio Technicians' Local 37 between the I.A.T.S.E. and local officers. He indicated he would set an early trial date.

More than 200 pages of affidavits were submitted by opponents headed by International representatives John Gatelee and Frank Stickling on one side; Joseph W. Carpenter and other deposed Local 37 officers on another, and James E. Shaw, local member seeking an accounting of funds from the Hollywood unit's officers.

Judge Wilson in denying A. Brigham Rose, attorney for the suspended

(*Continued on page 5*)

STRIKE PROBE IS OPENED BY U. S.

Strike Developments

Federal District Attorney and Department of Justice begin investigation of local strike. Prepare to issue subpoenas for officials of I. A. T. S. E., Local 306, Local B-51 and Empire State Operators union.

Mediation efforts continue with State Board making recommendations for settlement to Local 306, which is scheduled to give its answer today.

Company attorneys continue work of preparing injunction papers to restrain union.

No theatres without film at end of third day of strike. Program changes tonight will test emergency systems of film deliveries throughout city.

Dep't of Justice Agents Here Investigating Anti-Trust Angle

Department of Justice stepped into the I. A. T. S. E.-Local 306 strike situation here yesterday. Federal District Attorney's office and Federal Bureau of Investigation men were active throughout the day studying all angles of the strike. Indications are that subpoenas will be sought for officials of I. A. T. S. E., Local 306, Local B-51 and Empire State.

Department's entrance into the local situation followed a visit by William J. Donovan, of counsel for RKO, to Special Assistant Attorney General Thurman Arnold in Washington, Tuesday. Federal men were assigned to the investigation by the Attorney General's office.

The Department of Justice has warned both sides against any agreement that would violate the anti-trust laws.

Union Wants Settlement

Local 306 officials last night declared that they would be willing that the Federal authorities attempt to settle the strike. "Thurman Arnold perhaps is the only man that can do it," a spokesman declared.

When in Washington Donovan conferred with William Green, president of the American Federation of Labor, parent of the I.A.T.S.E. Green indicated he is greatly disturbed by the situation.

Assistant Attorney McGovern of U. S. District Attorney Cahill's office is in charge of the investigation here.

The Federal study is directed particularly at the anti-trust law angles of the union's demands, although

(*Continued on page 5*)

Scully Sets Dates for Three 'U' Meetings

Dates for Universal's three regional sales meetings were set yesterday by W. A. Scully, general sales manager.

First meeting will be held at Cincinnati, April 15 to 17, inclusive, at the Netherland Plaza Hotel; the second, in Chicago, April 18, 19 and 20, at the Palmer House, and the third in San Francisco, April 22, 23 and 24, at the St. Francis.

Nate J. Blumberg, Universal president, plans to attend the meetings.

Pa. Measure Would Compel National Anthem in Houses

HARRISBURG, Pa., March 29.—It will cost theatre operators in Pennsylvania $10 for each day they fail to display the American flag and neglect to play the national anthem before every performance, if a bill introduced today in the lower house of the Legislature by Assemblyman Samuel M. Rosenfield of Philadelphia becomes a law.

Costs would be added to the amount of the fine, failure to pay which would result in the offending theatre man being sent to jail for not more than 10 days. Each day a violation is committed would constitute a separate punishable offense, and the proposed law would be effective 60 days after final enactment.

Assemblyman Edwin Winner of Montgomery County introduced a bill which would permit a referendum on Sunday films in any municipal subdivision of the state, to be held every three years instead of every five years, as now.

Assemblyman Russell H. Reese of Washington, Pa., offered a measure which would make it illegal for theatres to hold Bank Night, under penalty of fine or imprisonment or both. There already are bills before the Legislature permitting Bank Nights under a plan where 15 per cent of the receipts would be paid to the state and authorizing theatres to hold Bank Night upon payment of a license fee.

Paramount Adds 4 To British Program

HOLLYWOOD, March 29.—Paramount announced here today the rapid expansion of Paramount British production plans and the addition of four pictures to five already set to be made in London. New pictures added to list are "This Man Is New," a story of British newspaper life featuring Barry K. Barnes and Valerie Hobson, "This Man in Paris," "The Silent Battle," featuring Rex Harrison and John Loder, and "Live and Let Live," uncast. Part or all of the number will be released in America.

Pa. Censor Chief Not Yet Confirmed

HARRISBURG, PA., March 29.—Pennsylvania is still officially without a censor, since, although Gov. Arthur H. James has named Mrs. Edna Carroll as censor board chairman following the political dismissal of the previous board, the State Senate thus far has failed to confirm her appointment. No one has been appointed to fill the other two vacancies on the board.

The state censor board is a bureau of the Department of Public Instruction, and the review and approval of pictures is being handled in a routine manner by the department in Philadelphia, in charge of J. Calvin Core, administrative assistant. It is understood most films are approved without difficulty. Any controversial matter is settled by calling in distributors, who usually cooperate in any needed changes in films.

McConville Reports Latin America Gain

A decided upturn in Latin American business was reported by Joseph A. McConville, Columbia foreign manager, yesterday following a two weeks' business trip to Mexico. He stated that relations between Mexican producers and U. S. distributors had improved considerably during the past months as a result of the improved results which are being shown by producers who distribute through American companies throughout South America, instead of through separate organizations in each country.

"L'Alibi," French production being distributed here by Columbia, has been booked to open at the Fifth Ave. Playhouse, April 8.

Equity Protests Rise In Actor Hotel Rates

Actors' Equity has issued an appeal in behalf of theatrical folk threatened with eviction from hotels in the Times Square area because of revised rates for the World's Fair. The appeal was made in a letter under the signature of Paul Dulzell, executive secretary. It was addressed to Mayor LaGuardia, License Commissioner Moss, Grover Whalen, Fair head and Edward P. Mulrooney, hotel arbitrator. Dulzell pointed out that low salaried actors and chorus girls would suffer by the cancellation of weekly rates and the raise in daily rates.

Agent Sues Author

Henry M. Schiffer, literary agent, filed suit yesterday in the N. Y. Supreme Court against George E. Carmody, attorney, and Henry Rose, author of the play, "Burrow, Burrow," and asked the court to direct the defendants to pay him 10 per cent of a settlement of a plagiarism suit brought by Rose against M-G-M Pictures.

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Purely Personal

JOHN HICKS, Paramount foreign chief, arrives today on the *Normandie* from England. Others aboard are HERBERT WILCOX, BEN GOETZ, SAM WOOD, GABRIEL PASCAL, GREER GARSON, MRS. ERNO RAPEE, HENRY BERNSTEIN, French playwright, and DR. EUGENE ZADOR, Hungarian composer.

•

MAURICE SILVERSTONE, operating head of United Artists, leaves the coast today for New York, arriving here Sunday. MERLE OBERON and JAMES ROOSEVELT arrive in New York today from the coast.

•

MATTHEW FOX, Universal vice-president, and JOHN JOSEPH, advertising and publicity director, arrive in New York from the coast tomorrow for a brief home office visit.

•

IRENE CASTLE MCLAUGHLIN has come from Chicago to attend the Music Hall opening today of "The Story of Vernon and Irene Castle," for which she acted as technical advisor.

•

MRS. CARLOS ISRAELS gave birth yesterday to a daughter, ELIZABETH, at the Lenox Hill Hospital. The father is connected with the law firm of White & Case.

•

MAC RUBENFELD of the M-G-M sales department in Hollywood, is visiting his brother here, JOSEPH M. RUBENFELD, manager of Loew's Oriental.

•

SHERIDAN GIBNEY, playwright, will arrive in Hollywood today to start work on the screenplay of the LLOYD C. DOUGLAS novel, "Disputed Passage," for Paramount.

BOB WEITMAN, managing director of the New York Paramount, returns tomorrow from a brief trip to Bermuda.

•

SAM ECKMAN, in charge of distribution for M-G-M in Great Britain, will sail for England Saturday on the *Normandie*.

•

JUDY GARLAND, having completed her role in M-G-M's "The Wizard of Oz," arrives here tomorrow with her mother for a week's vacation.

•

CHARLES STERN, eastern district manager for United Artists, has returned to the New York exchange from a Florida vacation.

•

MRS. WILLIAM DIETERLE, wife of the Warner director, is sponsoring productions by the Continental Players, a refugee group, in Hollywood.

•

LESTER KOENIG'S original story, "All Night Program," has been purchased by RKO for production on this season's schedule.

•

NATE GOLDSTEIN, Paramount theatre associate, was here yesterday from Springfield, Mass., for home office conferences.

•

GEORGE FITZMAURICE arrived at the Paramount studio yesterday to direct Isa Miranda's starring film, "Madame Mystery."

•

GUS SCHAEFER, former Continental European manager for Paramount, was a visitor at the company's home office yesterday.

•

CLIFFORD B. ROSS of Ross Federal Service is in Miami.

To Rule Shortly on Ellis' Fee Request

N. Y. Supreme Court Justice Louis A. Valente within the next few days will rule on applications for fees made by Emil K. Ellis, trial counsel for Loew's stockholders, in the consolidate actions brought against Loew's and its officers and directors, and by seven other attorneys and Bernard Reis, an accountant, it was revealed yesterday.

These applications which are now being considered by Justice Valente do not ask for specific sums, but in each instance request "reasonable fees." All the allowances will be paid by Loew's from money it will receive as refund for overpayments to five officers of the company.

Wins Damage Verdict

IOWA CITY, Ia., March 29.—A district court jury awarded Mrs. Mary Pittman $3,543.31 damages for injuries she suffered when she fell in the Englert here in 1937. The Englert is a unit of the Central States Theatre Corp. circuit.

Set Fleischer Opening

MIAMI, March 29.—"Aladdin and His Wonderful Lamp," two-reel color cartoon produced by Max Fleischer at his new studio here, will open at the Sheridan in Miami Beach April 4.

Decision Reserved In Arnstein Action

Decision in the $2,000,000 plagiarism suit of Ira B. Arnstein against Ascap, Warners and a number of music publishing houses was reserved yesterday by Federal Judge Edward A. Conger, after a trial that lasted three weeks.

Arnstein, who asked for an injunction, accounting and $2,000,000 damages, claimed plagiarism of over 50 of his songs in compositions of the defendants, and also charged the defendants with conspiracy to deny him membership in Ascap.

To Film Canada Shorts

TORONTO, March 29.—Stuart Legg of the Strand Film Co., London, has been engaged by the Dominion Government under a contract calling for a salary of $3,000 for the directing of two short subjects dealing with youth training projects under Federal-Provincial auspices, the films to be produced within a period of three months.

250 Prints of 'Streets'

HOLLYWOOD, March 29.—More than 250 prints of Monogram's "Streets of New York" will be issued at once, according to W. Ray Johnston, Monogram president. Action was taken after New York and Chicago salesmen saw an advance screening of the film.

New Yorkers Off to 'Dodge City' Opening

More than 80 correspondents will entrain on specials today and Friday to attend the opening of the Warner picture "Dodge City" in that Kansas town on Saturday. Among the writers and others leaving from New York will be:

Rose Pelswick, Bland Johaneson, Eileen Creelman, William Bohnel, Howard Barnes, Paul Peters, Ira Wolfert, Mark Barron, Jean Rue, James Cunningham, Maurice Kann, Jack Harrower, Charlie Berns, Gradwell L. Sears, Carl Leserman, Red Budd, Jacob Wilk, Mitchell Rawson and John Harkins.

The New York group will be joined at Chicago by another representing midwestern papers.

Among those who will join the party at Dodge City will be Franklin D. Roosevelt, Jr., son of the President.

Hold Monthly Para. Board Meet Today

Monthly meeting of the Paramount board of directors will be held today.

Barney Balaban, president; Stanton Griffis, executive committee chairman; Neil F. Agnew, distribution head, and Russell Holman, eastern story and talent head, leave for the coast about the middle of next week to start new season production conferences. Robert Gillham, advertising and publicity director, leaves for the coast Monday to participate in the conferences, which get under way at the studio in about 10 days. He will start east for the "Union Pacific" premiere at Omaha, April 28, with plans for remaining at the home office thereafter.

Reject Revised "Darling"

TORONTO, March 29.—Ontario Board of Moving Picture Censors, through Chairman J. C. Silverthorne, has rejected the revised version of "Yes, My Darling Daughter" on the ground that the revamped print is open to misinterpretation and has requested the Warner exchange to release only the original version. The original film is being presented in the Uptown here and the Centre, Ottawa.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.
Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco. New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.
Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.
BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.: Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London: Hope Williams, manager.
Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.
Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Film Daily says "We are ready to stake our reputation that Dark Victory ranks as one of the Really Great motion pictures. Dark Victory is one of the greatest emotional heart dramas ever produced and a sure Academy Award winner. The outstanding performance of the screen's No. One Artis[t] Davis". Hollywood Reporter wrote, "Dark Victory [is] boxoffice smash; rises head and shoulders [above] screen achievement. Will hold audiences [breath]less." Box- office stated, "Dark Victor[y] [will] box- offices." Motion Picture Her[ald] as a "made-to- marquee-measure attra[ction]" [Exhibitors] Film Bulletin said, "It is one of the s[ure] office bets!" Showmen's Trade Review said "Bette D[avis] tops previous roles!" Jay Emanuel Publications said, "[Dark V]ictory is a top grosser. If Warner Bros. had deliberately [made] a picture just to capitalize on winning the Academ[y Award] could not have made a better vehicle." Film [Daily] Bette Davis at her best!"



A Portrayal Never to Be Forgotten

In support of Miss Davis are Geo. Brent, Humphrey Bogart, Geraldine Fitzgerald, Ronald Reagan, Henry Travers, Cora Witherspoon. Directed by Edmund Goulding. Screen Play by Casey Robinson. From the Play by George Emerson Brewer, Jr. and Bertram Bloch. Music by Max Steiner. A First National Picture

RELEASE BEGINS APRIL 20 AT RADIO CITY. WARNER BROS., PRODUCERS

Reviewing the Latest in Short Subjects

"Money to Loan"
(M-G-M)

The latest in the "Crime Does Not Pay" series deals with the activities of a loan shark company. Starting with the advertising used to induce the public to make loans, the film details with considerable forcefulness the methods used to collect the usurious loans. Blackmail, threats, physical violence and, finally, murder are among the collection methods. The murder results in the roundup of the gang and the subject ends with a warning that banks and legitimate loan companies should be patronized. The film should hold audience interest. Running time, 20 mins. "G."*

"Popular Science"
(Paramount)

Popular Science reels invariably pack a good deal of interesting and educational subject matter, and this is no exception. Subjects shown are the U. S. Submarine Base at New London, Conn., where gobs are trained for duty in undersea craft; laboratory men studying Mississippi flood control methods via a miniature model, a new method of scientifically planting a lawn; a bank on wheels that caters to automobilists, and the usual science in the household shots. Running time, 11 mins. "G."*

"Air Waves"
(RKO-Pathe)

A trip through the N.B.C. broadcasting studios and a view of Radio City are provided in this subject. It is an interesting backstage tour and should prove popular, particularly with audiences who have never had an opportunity to witness an actual broadcast. Running time, 10 mins. "G."*

"Fisherman's Pluck"
(Paramount)

Here is an exciting outdoor picture, replete with grand scenic shots of the wild areas of the Oregon River. Narrated by Ted Husing, the camera accompanies Zane Grey on a fishing expedition in quest of steelhead trout. Grey is shown demonstrating his technique of angling, flycasting and canoeing in dangerous waters. Running time, 10 mins. "G."*

"Artie Shaw and His Orchestra"
(Warners)

This is a pleasing "Melody Master." The band, in a night club setting, plays several popular numbers and Artie Shaw has ample opportunity to display his skill with the clarinet, but is not obtrusive. Tony Pastor is featured in a Russian swing number. Running time, 10 mins. "G."*

"Chicken Jitters"
(Warners)

In this "Looney Tune" cartoon, Porky is featured as the owner of a chicken farm, where the hens and chicks are cheerful jitterbugs. A fox kidnaps a duckling, and then the battle starts. Mildly amusing. Running time, 7 mins. "G."*

"The Roaming Camera, No. 1"
(Warners)

This is the first of a new Vitaphone series, classified in "The Color Parade." Production is by E. M. Newman, with narration by Alan Kent and Maida Severn. Sequences include football as played in Hawaii with bare feet; Antoine of Paris creating dazzling hairdresses; youths learning navigation on the U. S. Maritime Service training ship, the *Joseph Conrad.* Good novelty, in color. Running time, 11 mins. "G."*

"Ranch House Romeo"
(RKO)

A light, western-type story combined with music by the "6 Bar Cowboys" band make a diverting two-reel subject. The cowboys with the aid of a Hollywood actress make things all right again after the ranch owner has been swindled out of his property. That's the story, but the cast isn't any more serious about it than the audience, so the latter won't mind so much. Running time, 17 mins. "G."*

"Cafe Boheme"
(Universal)

Everything but the vaudeville juggler is crammed into this musical short subject. There is a Spanish dancer, a singing group, a Russian singer, Roy Smeck's Hawaiian band; a team of specialty dancers, and still another team of dancers, plus Saul Grauman's girls who hoof on musical stairs. Running time, 17 mins. "G."*

"Imperial Delhi"
(M-G-M)

This FitzPatrick Traveltalk provides a view of the architectural wonders of India. Included, too, are typical streets, natives at work, a wedding procession and a county fair. One of the outstanding sequences is that of the ivory carvers, with some breath-taking shots of the product of their art. Running time, 8 mins. "G."*

"Chained"
(Warners)

Floyd Gibbons presents an exciting real life story, in the "Your True Adventure Series," which should have general appeal. This deals with children who play pirates, and how one of the youngsters is chained up as a hostage and is caught by the incoming tide. The suspense is terrific while his playmates vainly try to rescue him and he is finally saved by harbor police. The hero, as usual, is shown. Running time, 12 mins. "G."*

"March of Time, No. 8"
(RKO)

Taking its cue from the headlines dealing with the territorial demands of Italy, the new issue of "March of Time" gives a graphic portrayal of the goals and methods of Mussolini. Titled "Background for War—The Mediterranean," the reel shows why the Mediterranean Sea has risen in importance in the struggle for control of Continental Europe. After portraying the early and still continuing efforts to incite Moslems against Britain and France, the reel is brought up to date with the Italian campaign in French Tunisia. It is a vigorous and forthright denunciation of Italy's territorial ambitions. It should please where audiences are not sympathetic to such ambitions. Running time, 18 mins. "G."*

"An Hour for Lunch"
(M-G-M)

Robert Benchley undertakes to guide the man with one hour for lunch and to explain how this brief period may best be used. After establishing an elaborate program which includes lunch, haircut, exchange of a shirt and several other minor items, he barely succeeds in finishing his meal. As usual, Benchley succeeds in taking his subject from problems close to home, and this is no exception. It should draw plenty of laughs. Running time, 9 mins. "G."*

"Going Places"
(Universal)

Rio De Janiero is the place the camera takes the audience. With Graham McNamee handling the commentary, the camera lenses sweep the city's chief attractions. Color would have aided this feature immensely. Running time, 9 mins. "G."*

"Clock Wise," No. 4
(RKO)

A new Edgar Kennedy comedy in which he collects as much grief, while dispensing his own harried brand of amusement, as is customary for this series. Plot revolves about Kennedy's efforts to rid himself of a mechanical clock invented by father-in-law, and the predicaments which result therefrom. Kennedy "fans" should reap their usual quota of amusement from it. Running time, 16 mins. "G."*

"Hello, Momma"
(RKO)

A variety subject which offers Georgie Jessel as master of ceremonies, a duty which he performs while engaged in one of his well known telephone conversations with "momma." Principal acts are the Four Eton Boys, quartet; Frieda Sullivan, novelty dancer, and Emerson's Mountaineers, hill-billy company. Up to the average of this type of subject. Running time, 9 mins. "G."*

"Sporting Wings," No. 8
(RKO Pathe)

Amateur or "sporting" aviators and their craft receive the camera's attention in this latest addition to Frank Donovan's Sportscope series. All varieties of privately owned planes and the uses to which they are put are pictured. Range of ships is from the small, simple craft, through increasingly larger planes to gyroscopes and the huge seaplane with a 1,000-mile cruising radius of Gar Wood's. Running time, 9 mins. "G."*

"Republic of Panama"
(Paramount)

Latest of the Paramount "color cruise" releases deals interestingly with life in the Canal Zone. Episode opens with picturesque view of Colon, followed by Panama City and other centers of the republic, with the camera centering on the modern shops, hotels and even the race tracks. Highlight of the reel is the jaunt through the Canal. Running time, 9 mins. "G."*

"One Armed Bandit"
(Universal)

A Walter Lantz cartoon, which draws its delightful action from the old fashioned "mellerdramas." Grandpop draws his relief money and is enticed into a saloon by the villain, to lose his money playing the slot machine. The villain receives the mortgage for some money for another tussle with the slot machine. Daughter senses something wrong and the hero comes to the rescue. Running time, 7 mins. "G."*

"Duel Personalities"
(M-G-M)

Alfalfa, leader of "Our Gang," permits himself to be hypnotized, and while in this state challenges Butch to a duel for the hand of Darla. When he comes out of the trance, he thinks better of it and so does Butch. Both boys agree to pretend to fall dead and to watch where Darla runs. The young lady, however, overhears the plot and walks off with Waldo. This is up to par. Running time, 10 mins. "G"*

"Daffy Duck and the Dinosaur"
(Warners)

Leon Schlesinger delivers good color cartoon work in this "Merrie Melody," but the striving for whimsy hits only in spots. A ravenous caveman, in the stone age, seeks to make a breakfast of Daffy Duck, but gets "the bird" throughout. Running time, 7 mins. "G."*

"Tough Little Mice"
(Universal)

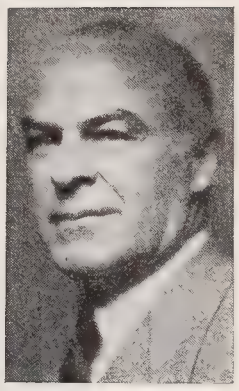
A Lantz cartoon burlesque on the "Dead End Kids," and it has wide appeal. Three tough mice waylay the nice little mouse after the genteel one has come from the market with a basket for food, including a box of popcorn. Running time, 7 mins. "G."*

"So Does an Automobile"
(Paramount)

An imaginative and altogether delightful Betty Boop cartoon. Betty opens a hospital for sick and ailing automobiles. In her combination garage-hospital Betty doctors, operates on and nurses ailing omnibusses, climaxed when a huge truck, accepted as an emergency case, gives birth to twin midget cars. Running time, 7 mins. "G."*

*"G" denotes general classification.

Executives at 20th-Fox Convention



S. R. KENT
President of
20th-Fox



H. WOBBER
Director of
Distribution



CHAS. McCARTHY
Advertising and
Publicity Head



SPYROS SKOURAS
National Theatres
Operating Head



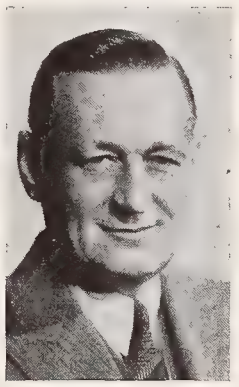
WM. SUSSMAN
Eastern Sales
Manager



W. C. GEHRING
Central Sales
Manager



W. J. KUPPER
Western Sales
Manager



W. HUTCHINSON
Head of Foreign
Distribution



TRUMAN TALLEY
Producer of
Movietone

Strike Investigation Is Opened by U. S.

(*Continued from page* 1)

phases of the investigation are concerned with possible interference with the free flow of interstate commerce.

Meanwhile, company attorneys continued their preparation of injunction papers which will be filed late today or tomorrow. A legal committee of three attorneys representing M-G-M, 20th Century-Fox and Paramount has been appointed by the distributors' strategy committee to prepare the injunction papers against the union.

"No Theatre Strike"

Local 306 insists no operators will be called out of theatres.

All I.A.T.S.E. crafts here have been instructed by the International executive board to honor Local 306 picket lines. Paramount News is the only newsreel affected by the order, but it got today's issue out on time.

The Paramount News picket line affects laboratory, cameramen and studio technicians' locals. There is a possibility that Local 306 picketing may be extended to all newsreels and one or two laboratories servicing major companies, which may tie them up.

Executive board of Laboratory Technicians' Union, Local 702, met last night to discuss the situation.

Efforts at mediation of the union's demands also progressed yesterday despite the other developments. Jules J. Freund of the State Mediation Board met with Mathew Levy, attorney for Local 306 yesterday afternoon and presented certain recommendations and suggestions designed to bring about a settlement. Judge Levy is scheduled to consult with union officials and make his reply to the mediator today. Further meetings of the kind will depend upon the answer given today. Freund said he could not disclose the nature of the recommendations but it is believed they have as they objective the absorption of Empire State by Local 306, the professed aim of the strike.

State mediation board is expected to take over the strike situation and to consider whether Empire State union's contracts with Century and Cocalis circuits are legal. The point to be decided is whether those contracts conform with national and state labor laws passed after negotiation of the contracts.

May Seek Restrainer

If it should be found that the contracts do not conform, the state board may then apply for a restraining order against Century and Cocalis. Their contracts with the Empire State union provide that the union cannot merge with Local 306 unless it has the employers' consent. This may be regarded by the state board as contrary to the Federal and state labor acts, which give the employes the right to choose their own bargaining agent.

However, before taking any action involving legality of the Empire State contracts, the state mediation board plans to call in all parties concerned for a full discussion of the situation.

Harry Brandt, president of the I.T.O.A., expressed his belief in the "common sense" of George E. Browne, president of the I.A.T.S.E., and that he will be willing to negotiate a settlement on reasonable terms.

Local 306 officials last night declared that anything the state mediation board might attempt to do is "meaningless," since the strike is interstate, affecting New Jersey as well as New York, and therefore subject to Federal jurisdiction. Federal officials, perhaps the National Labor Relations Board, should handle the situation, officials declared.

Strike Front Quiet

Actual strike front, 44th St. and Ninth Ave., was unusually quiet yesterday. Local 306 reduced the picket line from two men to an exchange entrance to one man, leaving only five men on the street to maintain the line which continued to keep organized exchange employes away from work. Film shipments, however, continued and the emergency method of picking up shows at theatres functioned smoothly. The meeting of division managers' committee yesterday, of which Milton Kusell of Paramount, is chairman, was advised that no theatre in the metropolitan area was without film at the end of the third day of the strike.

Picketing continued orderly but the Warners and Paramount exchanges supplemented city police details with Burns Agency men.

Hundreds of neighborhood theatres in the metropolitan area are scheduled to change programs tonight and, with a new issue of the five newsreels scheduled, the emergency distribution system will receive its first severe test then.

Discussion of the operators' strike at exchanges featured the I. T. O. A. meeting yesterday.

20th-Fox Sessions On Today in Chicago

(*Continued from page* 1)

Canadian district manager and 1938 S. R. Kent Drive leader, will present prizes in the drive to field forces. Addresses will follow by Morton A. Levy, 1939 drive leader, William Sussman, eastern division manager, and William C. Gehring, central division head.

"Bell" to Be Screened

In the evening there will be a screening of "Alexander Graham Bell," at the Chicago Theatre. This is the first Cosmopolitan production released by 20th Century-Fox.

At the Friday morning meeting, addresses by Movietone executives are scheduled as follows: Truman H. Talley, producer of Movietonews and short subjects; Edmund Reek, general manager; Lowell Thomas, chief commentator; Ed Thorgersen, sports; Lew Lehr, humor; Vyvyan Donner, fashion editor. Paul Terry, producer of Terrytoons, and Harvey Day, Sr., business representative, will then discuss their cartoon product.

McCarthy to Talk

At the same session, Charles E. McCarthy, director of advertising and publicity, will outline plans for 1939-40, to be followed by an address by Sidney R. Kent, president, who will discuss the company's operations during the past year.

Friday afternoon will be devoted to a detailed analysis of the 1939-40 product by Wobber. His address will bring the general sessions to a close. The convention will wind up Saturday after divisional meetings.

Says $6,500 Was Paid To Operators' Agent

ST. LOUIS, March 29. — Clyde A. Weston, business agent of motion picture operators' Local 143, was paid $6,500 to avert a wage increase for operators, according to testimony before Circuit Judge Ernest F. Oakley today. Walter A. Thimmig, theatre owner, who gave the testimony, said the cash was given to Weston at a bank in November, 1937.

Will Set Early Trial Of Studio Union Case

(*Continued from page* 1)

local officers, a new restraining order against International officers, who seized the local's books, records and offices, threatened Rose with contempt of court when the attorney demanded in court if the "highhanded tactics" of International officers were approved.

The court told the litigants to prepare further affidavits if they wished, declaring the moot legal point in the fight between International and local officers was whether alliance by-laws, under which International can suspend autonomy of the local, was constitutional.

'Mamlock' Hearing Set

PROVIDENCE, March 29.—Rhode Island Supreme Court today issued a write for all records of the Providence Bureau of Police relating to the banning of the film "Professor Mamlock." The court set April 17 as the date for further hearing on the ban.

MOTION PICTURE DAILY'S HANDY BOOKING CHART

[Dates Are Based Upon National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After the Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS	ED.—G. N.
Feb. 24	Let Us Live (G) (D) *Fonda O'Sullivan*	Let Freedom Ring (G) (D) *Eddy L. Barrymore McLaglen*	Star Reporter *Warren Hull Marsha Hunt*	One Third of a Nation (A) (D) Sunset Trail (3857) (G) (O)	I Was a Convict (G) (D) *MacLane Roberts*	Beauty for the Asking (G) (D) *Lucille Ball Knowles Donald Woods*	Pardon Our Nerve (G) (C) *Lynn Bari June Gale* (931)		Society Smugglers (G) (D) *Preston Foster Irene Hervey Walter W. King*	Yes, My Darling Daughter (A) (C) *Priscilla Lane*	Renfrew Saves a Lady (Renfrew Series) *James Newill* (Feb. 10)
March 3	Romance of Redwoods (O) *Bickford*	Pygmalion (G) (C) *Leslie Howard Wendy Hiller*	Mystery of Mr. Wong (G) (D) *Boris Karloff* Rollin' Westward	Cafe Society (G) (C) *Carroll MacMurray* 3826		Twelve Crowded Hours (A) (D) *Richard Dix Lucille Ball*	Wife, Husband and Friend (G) (C) *Loretta Young Baxter*	Stagecoach (G) (O) *Claire Trevor John Wayne Andy Devine*	Risky Business (G) (D) *George Murphy Dorothea Kent*	Secret Service of the Air *Ronald Reagan John Litel Ila Rhodes*	
March 10	Blondie Meets the Boss (G) (C) *Arthur Lake*	Ice Follies of 1939 (G) (D) *Crawford Stewart Lew Ayres*	Mystery Plane (G) (D) *John Trent Polly Ann Young*	The Beachcomber (A) (C) *Laughton Lanchester* 3863	Rough Riders Round-Up (G) (O) *Roy Rogers Mary Hart*	The Saint Strikes Back (G) (D) *George Sanders Wendy Barrie*	Inside Story (G) (D) *Michael Whalen Jean Rogers*	Prison Without Bars (A) (D) *Corinne Luchaire Edna Best Barry Barnes*	Spirit of Culver (G) (D) *Jackie Cooper Bartholomew Andy Devine*	The Oklahoma Kid (G) (D) *Cagney Bogart*	
March 17	Lone Star Pioneers *Bill Elliott Dorothy Gulliver*	Within the Law (G) (D) *Ruth Hussey Rita Johnson*	Trigger Smith (O) *Jack Randall*	King of Chinatown (G) (D) *Anna May Wong Tamiroff* 3827	My Wife's Relatives (G) (C) *Lucille, James and Russell Gleason*		The Little Princess (G) (D) *Shirley Temple Richard Greene Anita Louise*		Mystery of the White Room *Bruce Cabot Helen Mack*	Adventures of Jane Arden (G) (D) *Rosella Towne William Gargan*	
March 24	Whispering Enemies (G) (D) *Jack Holt Dolores Costello*	Sergeant Madden (G) (D) *Wallace Beery*	Undercover Agent *Russell Gleason Shirley Deane*	Midnight (G) (C) *Colbert Ameche* 3828		Trouble in Sundown (G) (O) *O'Brien*	Everybody's Baby (A) (C) *(Jones Family)*		Three Smart Girls Grow Up (G) (C) *Deanna Durbin Winninger*	Blackwell's Island (G) (D) *Garfield Rosemary Lane*	
March 31	North of the Yukon *Starrett Winters*	Society Lawyer (A) (D) *Pidgeon Bruce Carrillo*	Streets of New York *Jackie Cooper*	Sudden Money (G) (C) *Ruggles* Silver on the Sage *William Boyd*	Mexicali Rose (O) *Gene Autry*	Almost a Gentleman (G) (D) *James Ellison*	Hound of the Baskervilles (G) (D) *Greene Rathbone*		Family Next Door *Hugh Herbert Joy Hodges*	On Trial (G) (D) *John Litel Margaret Lindsay*	
April 7	The Lady and the Mob (G) (C) *Fay Bainter Ida Lupino*	Broadway Serenade *MacDonald Ayres Ian Hunter*	Boys' Reformatory *Frankie Darro*	I'm From Missouri (G) (C) *Bob Burns* 3830		Love Affair (G) (D) *Boyer Irene Dunne* Flying Irishman (G) (D)	Mr. Moto in Danger Island (G) (D) *Lorre Hersholt*	Wuthering Heights (A) (D) *Oberon Olivier Flora Robson*	East Side of Heaven *Bing Crosby Joan Blondell Mischa Auer*	Dodge City *Flynn de Havilland Ann Sheridan Bruce Cabot*	
April 14	First Offenders *Walter Abel Beverly Roberts*	Calling Dr. Kildare *Lionel Barrymore Lew Ayres*	Wolf Call *John Carroll Movita*	Bulldog Drummond's Secret Police Never Say Die	The Night Riders O *John Wayne*	They Made Her a Spy (G) (D) *Sally Eilers Allan Lane*	Story of Alexander Graham Bell *Ameche Loretta Young Fonda*			Women in the Wind (G) (D) *Kay Francis William Gargan Victor Jory*	
April 21	Oklahoma Trail *Starrett Meredith*	Lucky Night *Robert Taylor Myrna Loy*	Wanted by Scotland Yard *Stevenson* Man from Texas	Back Door to Heaven *Erwin Wallace Ford McMahon*		Fixer Dugan *Lee Tracy Peggy Shannon*	Winner Take All (G) (D) *Tony Martin Gloria Stuart* Inspector Hornleigh	Zenobia (G) (C) *Hardy Langdon Burke*	Big Town Czar *MacLane Ed Sullivan*	Dark Victory (G) (D) *Bette Davis George Brent Bogart*	
April 28	Only Angels Have Wings *Jean Arthur Cary Grant Barthelmess*	The Kid from Texas *Denis O'Keefe Rice*	Riders of the Rio Grande *Jack Randall*	The Lady's from Kentucky *Raft Drew*		The Story of Vernon and Irene Castle *Rogers-Astaire* G-Dog	Return of the Cisco Kid *Baxter Lynn Bari*		For Love or Money *June Lang Ro[illegible] Kent*	Sweepstakes Winner *Marie Wilson Allen Jenkins John Davis*	

'Ice Follies' and 'Saint Strikes' at $9,000 for Denver

DENVER, March 29.—"Ice Follies of 1939" and "The Saint Strikes Back" led the way at the Orpheum with $9,000. Close behind were "Midnight," with $8,000 in the second week at the Denham; "Yes, My Darling Daughter," with $9,000 at the Denver, and "Blondie" and "Newsboys' Home," with $4,500 at the Paramount.

Estimated takings for the week ending March 29:

"Topper Takes a Trip" (U.A.)
ALADDIN—(1,400) (25c-40c) 7 days. 2nd week. Gross: $3,500. (Average, $3.500)
"Love Affair" (RKO)
"Twelve Crowded Hours" (RKO)
BROADWAY — (1,100) (25c-40c) 7 days. 2nd week. Gross: $3,000. (Average, $2,500)
"Midnight" (Para.)
DENHAM—(1,750) (25c-40c) 7 days. 2nd week. Gross: $8,000. (Average, $6,000)
"Yes, My Darling Daughter" (W.B.)
DENVER—(2,525) (25c-40c) 7 days. Gross: $9,000. (Average, $8,500)
"Ice Follies of 1939" (M-G-M)
"The Saint Strikes Back" (RKO)
ORPHEUM—(2,600) (25c-35c-40c) 7 days. Gross: $9,000. (Average, $8,000)
"Blondie" (Col.)
"Newsboys' Home" (Univ.)
PARAMOUNT—(2,200) (25c-40c) 7 days. Gross: $4,500. (Average, $3,500)
"Wings of the Navy" (W.B.)
"The Lady Vanishes" (G.B.)
RIALTO—(878) (25c-40c) 7 days, "Wings of the Navy" 3rd week. Gross: $2,000. (Average, $1,750)

Rydge Is Here for Product Purchases

Norman B. Rydge, managing director of Greater Union Theatres and affiliated interests in Australia, is here to buy product and to discuss the booking situation generally in Australia. He will be here about two weeks more.

Rydge says that he was responsible for the provision making Government funds available to producers in Australia. Cinesound, a Greater Union affiliate, has applied for a Government loan. Such loans are in the form of guarantees of bank overdrafts, for a period of one year. The amount may be unlimited, according to Rydge.

Among other provisions, the films act granted exhibitors a 25 per cent cancellation. Rydge says this has worked in favor of the large buyers, because they now may buy product in excess of normal requirements to provide for the rejection and that this actually amounts to a 33 per cent cancellation.

Rydge's theatre interests have not used the cancellation and do not propose to, he declared, because of the fact that it places a premium on overbuying. Rydge opposed increasing the cancellation from 12½ per cent from the start.

The Australian Government is endeavoring to obtain a reciprocity amendment to the British Films Act whereby Australian films would count as English under the British distributors' quota. In return, Australia would make effective an exhibitors' quota of 15 per cent on British films. If this came about, Australian producers would not need Government financial assistance, Rydge believes.

Close Manager School

ELMIRA, March 29.—The Moving Picture Theatre Managers Institute has been closed.

Out Hollywood Way

HOLLYWOOD, March 29. — HARRY SHERMAN has decided to put music in the "Hopalong Cassidy" series starring WILLIAM BOYD. He has signed the King's Men, radio-film singers, to appear in six "Hopalongs" under an exclusive contract which permits him to approve their other film deals . . . JACKIE COOGAN joins his wife, BETTY GRABLE, in Paramount's "Million Dollar Legs" . . . EDGAR KENNEDY and RAY WHITLEY eachd have signed new contracts with RKO, and each will be featured in a series of six shorts for the new season. . . . Among the vehicles on the tentative schedule for PAT O'BRIEN at Warners in "The Old 69th," story of the famous National Guard regiment of New York of which FATHER FRANCIS DUFFY was chaplain.

+

CLAUDE RAINS gets an important role in "The Knight and the Lady," in which Warners will co-star BETTE DAVIS and ERROL FLYNN. The studio seeks BASIL RATHBONE for another top role . . . Monogram has purchased "First Performance," *American Magazine* story by MATT TAYLOR, for a vehicle for MARTIN SPELLMAN, 12-year-old . . . Start of Paramount's "Air Raid" has been postponed, due to inability of camera crews abroad to get background shots of air raid precautions due to military censorship, according to the studio . . . ANN SHERIDAN, having been given a publicity buildup, will be given the title role in Warners' "Oomph Girl" . . . JACK MOSS has been signed by Paramount in connection with the development of pictures to be directed by HENRY HATHAWAY and THEODORE REED.

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DAVID O. SELZNICK has purchased "Ordeal," novel by NEVILLE SCHUTE, who also wrote the best seller, "Kindling" . . . NAN GREY and CONSTANCE MOORE draw feminine leads in Universal's "Ex-Champ," featuring VICTOR MCLAGLEN and TOM BROWN. PHIL ROSEN will direct . . . BELA LUGOSI will be borrowed from Universal for Warners' "The Doctor's Secret" . . . 20th Century-Fox has lined up a strong cast for "Young Mr. Lincoln," now shooting with Henry Fonda in the title role. MARJORIE WEAVER will play "Mary Todd," and supporting will be ALICE BRADY, ARLEEN WHELAN, PAULINE MOORE, EDDIE COLLINS and SPENCER CHARTERS.

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Arcadia Pictures, producing for Grand National release, has purchased "Born to Hang," story with an aviation background by GEORGE BRUCE . . . PAUL MALVERN has started on "Wolf Call," featuring MOVITA and JOHN CARROLL, for Monogram release. GEORGE WAGGNER will direct. . . . CHESTER MORRIS and WENDY BARRIE head the cast of RKO's "Five Came Back," story of a wrecked clipper plane in the jungles of South America . . . RKO has signed EDWARD ELLIS for three pictures, first of which will be "Career" . . . The same studio has purchased "The Outlaw of Three Corners," original by BERNARD MCCONVILLE, as a GEORGE O'BRIEN story.

Hollywood Preview

"Rollin' Westward"

(Monogram)

HOLLYWOOD, March 29.—"Rollin' Westward," final of the 1938-'39 series of Tex Ritter pictures which Ed Finney has produced for Monogram, maintains the entertainment quality and commercial standard of its predecessors. An outdoor action feature, it is naturally whoop-and-holler material for the youngsters, but the manner in which love interest, music and comedy have been welded in, gives the film adult interest.

Phoney nesters, inspired by Harry Harvey and Charles King, Jr., are playing hob with cattle men and Herbert Corthrell, their principal victim. Ritter is roped into being a participant in the land grabbing. But after a couple of unpleasant brushes with Dorothy Fay, Cothrell's daughter, he becomes aware of what actually is going on. Law and order brought to the community again with the land grabbers jailed, Tex settles down to romantic life with Miss Fay.

Production details endows the film with a full quota of fights and chases. The exciting quality of these is contrasted by the instrumental music and Ritter's singing.

Fred Myton did the original screenplay and Al Herman directed.

Running time, 60 minutes. "G."* G. McC.

**"G" denotes general classification.*

Para. Signs Kingsley

HOLLYWOOD, March 29. — Sidney Kingsley, well known playwright, has been signed by William LeBaron, managing director of Paramount production, to write the screenplay of "Every Day Is Sunday." Kingsley is due at the studio on Friday.

Tri-States Moving

DES MOINES, March 29.—Tri-States Theatre Corp., now occupying part of the third floor of the Paramount Theatre Building here, will move April 1 to the eighth floor, where the offices will occupy the entire floor.

'Midnight' in Los Angeles Hits $18,000

LOS ANGELES, March 29.—"Midnight" scored the best comparative first week gross, with $18,000 at the Paramount. In the second week, the dual of "Oklahoma Kid" and "The Adventures of Jane Arden" drew $12,200 at the Warner Hollywood and $14,500 at the Warner Downtown.

"The Lady Vanishes" took a good $5,500 at the 4 Star and "Love Affair" and "The Lone Wolf Spy Hunt" took $9,500 at the Hillstreet and $12,000 at the Pantages.

Estimated takings for the week ending March 29:

"Ice Follies of 1939" (M-G-M)
"Fast and Loose" (M-G-M)
CHINESE — (2,500) (30c-75c) 7 days. Gross: $11,400. (Average, $12,500)
"The Lady Vanishes" (G.B.)
4 STAR—(900) (40c-55c) 7 days. Gross: $5,500. (Average, $3,250)
"Love Affair" (RKO)
"The Lone Wolf Spy Hunt" (Col.)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $9,500. (Average, $6,500)
"Ice Follies of 1939" (M-G-M)
"Fast and Loose" (M-G-M)
LOEW'S STATE — (2,500) (30c-75c) 7 days. Gross: $11,900. (Average, $14,000)
"Love Affair" (RKO)
"The Lone Wolf Spy Hunt" (Col.)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $12,000. (Average, $7,000)
"Midnight" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Paramount Theatre orchestra. Gross: $18,000. (Average, $18,000)
"The Oklahoma Kid" (W.B.)
"The Adventures of Jane Arden" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (30c-65c) 7 days, 2nd week. Gross: $12,200. (Average, $14,000)
"The Oklahoma Kid" (W.B.)
"The Adventures of Jane Arden" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400) (30c-65c) 7 days, 2nd week. Gross: $14,500. (Average, $12,000)

Oklahoma's Buying Pool Details Given

OKLAHOMA CITY, March 29.—Details of the proposed film and theatre buying pool by independent exhibitors have been disclosed. Protection of the independent exhibitor's interest is the primary purpose of the organization, its sponsors said.

The pool plan calls for a central office here under a state manager. He would negotiate for the purchase of product.

The state would be divided into eight districts. Each district branch would have its own manager to be elected by exhibitors in the area. The central office manager would negotiate with film exchange bookers for product but exhibitors would sign their own product contracts.

Sponsors of the group are arranging a meeting with Department of Justice officials to hear exhibitor complaints. The date of the meeting will be announced later.

WB Short in Chicago

Warners' historical two-reeler in color, "Sons of Liberty," will have its premiere at the Stevens Hotel, Chicago, May 27, at a banquet honoring Haym Salomon, Revolutionary patriot whose career is the film's theme. The banquet is to be sponsored by the Patriotic Foundation of Chicago.

Television Alarms English Industry

LONDON, March 29.—Considerable apprehension among distributors and exhibitors was expressed at yesterday's joint meeting of the Cinematograph Exhibitors' Association and Kinematograph Renters' Society to consider the television situation. The increase in home television was the chief cause of anxiety.

Distributors are particularly concerned over the use of films outside the province of the K. R. S. It is estimated that there are 8,000 televisors currently operating, and it is calculated that in two years half the total of radio licensees in the country will be using television.

A second joint meeting of the two organizations will be held next week, with a view to formulating a collective appeal to the British Broadcasting Corp. to limit the program time of films, especially short subjects.

WHN Closes Three New Time Contracts

New contracts closed at WHN include a 52-week deal with Kohler Manufacturing Co. for drug products, covering spot announcements Monday through Saturday, placed by Courtland R. Ferguson Agency of Baltimore.

Another contract was with Steem Electric Co. of St. Louis for 13 weeks of participation in "Ed East's Houseparty," heard Monday through Friday at 10:30 A. M., placed by the Smith Benny Sales Co. A third deal was with the West Disinfecting Co., for 52 weeks' of participation in the "Polly the Shopper" program, Tuesday, Thursday and Saturday, 9 to 9:30 A. M., placed through Moser & Cotins.

Set Pacific Web Show

SAN FRANCISCO, March 29.—Brown & Williamson Tobacco Co., for Wings cigarettes, has signed for a 52-week program over stations of the CBS Pacific Network. Featuring John B. Hughes, the program will be "News, Views and Sports Reviews by Hughes." It will be heard Sunday, Monday, Wednesday and Thursday from 9:45 to 10 P. M. The contract was placed by Russell M. Seeds Co. of Chicago.

Quiz Show on WMCA

A new quiz program, "What Do You Know About America," based on American history, will start on WMCA April 1 from 8 to 8:30 P. M. Edward Boykin will direct the show. The first program will feature 12 Boy Scouts.

WKRC Increases Power

CINCINNATI, March 29.—WKRC, Columbia station for Cincinnati, has been granted increase in night power from 1,000 to 5,000 watts by the F. C. C. The station already operates on 5,000 watts daytime power.

Nehi Arranges Series

Nehi Corp. has set the show for time recently booked on CBS, and starting March 31, Bob Ripley, B. A. Rolfe's orchesrta and vocalist Linda Lee will be featured in the series.

Radio Personals

FIBBER McGEE and company begin their fifth year on NBC and will observe the program's 200th broadcast April 4 over the NBC-Red network . . . Annabella, screen actress, has been assigned the stella role in an original radio drama to be aired on the CBS "Star Theatre" April 5 . . . Judy Garland will assume guest star responsibilities on Walter O'Keefe's "Tune Up Time" April 6. . . . Tommy Dorsey returns to the networks Wednesday night, relieving Gene Krupa, who substituted while the former was on vacation.

Set Radio Details On Visit of Royalty

Elaborate arrangements for the radio coverage of the visit to Canada and the United States of King George and Queen Elizabeth of England were completed yesterday at a Toronto conference of representatives of Canadian Broadcasting Corp., British Broadcasting Corp., CBS, NBC and Mutual.

A total of 50 engineers and announcers of CBC have been assigned to cover the arrival of the royal party. The King is scheduled to make five speeches in Canada, and the Queen will make at least one public address. Participating in the Toronto conference at the Hotel York, were:

E. L. Bushnell, general supervisor of programs, and R. T. Bowman, director of special events, both of CBC; Felix Greene, American representative of BBC; Paul W. White, CBS director of public affairs; A. A. Schechter, director of special events, NBC, and Dolph Opfinger, program director, MBS.

CBA Opening Soon

TORONTO, March 29.—David Sarnoff, president of RCA, has been invited to be a guest at the formal opening of Station CBA at Sackville, N. B., a new 50,000-watt unit of the Canadian Broadcasting Corp., which is designed as the outlet for the Maritime Provinces of the coast-to-coast network of the Government corporation.

WOR Ads Exhibited

A series of WOR advertisements written by Joseph Creamer, promotion director of WOR, were accorded place of honor in this year's preview exhibition of the Art Directors Club, which opened at Rockefeller Plaza Tuesday. WOR exhibits will be shown in Philadelphia, Chicago and other cities.

New Mutual Show Set

A new program will appear on Mutual April 7, titled "Author, Author," an idea by Jerry Danzig of the network's staff. First program, from 8:30 to 9 P. M., will feature Ruth McKenny and Carl Von Doren as guests.

Gala Preview for 'Bell' at Coast Fair

TREASURE ISLAND, SAN FRANCISCO, March 29.—Here for the preview of "The Story of Alexander Graham Bell," about 250 Hollywood stars and newspapermen, guests of 20th Century-Fox, were greeted by San Francisco's Mayor Angelo Rossi. A parade, speeches and tour of the Fair were included in the program.

Addresses by Rossi, Leland Cutler, president of the Golden Gate International Exposition, and George Creel, United States Commissioner to the Exposition, broadcast on a nationwide hookup, were answered by Darryl F. Zanuck, who thanked the city for the hospitality.

May Delay Meet of Ontario Exhibitors

TORONTO, March 29.—General meeting of the Ontario independent exhibitors scheduled for April 4 in Toronto may have to be postponed for several days because of information that Nat Taylor, head of 20th Century Theatres, Ltd., will not return to Toronto from Florida until after April 1.

An important item on the agenda for this conference is a proposal for radical revision in the clearance schedules for rental contracts in the Dominion, even to the point of appealing for the total elimination of "protection" in order to obtain speedy release of films.

NY Allied Discusses Clearance Situation

Discussion of the clearance situation in New York state was held at a meeting of New York Allied yesterday in the office of Max A. Cohen of the Cinema Circuit, who is president. The organization is sponsoring an investigation upstate by the Department of Justice.

The proposed trade practice program was discussed, as well as the unit's forthcoming annual convention.

Set Louisville Shows

LOUISVILLE, March 29.—Louisville's second annual summer outdoor theatrical season, at the city-owned Iroquois Amphitheatre, will start July 3, and run for six weeks. J. J. Shubert will be the director, with his son John Shubert as resident director.

American Record Adds 2

American Record Corp. has added two men to the sales staff, George Prutting, who will work in New York, Newark, Philadelphia and Baltimore, and Fred S. Boudiette, in Hartford, Boston, Syracuse and Albany.

Gruen on WMCA

Gruen Watch Co. has taken 28 weekly time signal announcements for a period of 52 weeks beginning March 31, Monday through Saturday, over WMCA at night and WEAF during the day. Agency is McCann-Erickson.

Scott Quintette Renewed

Raymond Scott Quintette has been renewed on the "Your Hit Parade" over CBS for the third 13-week period.

I.T.O. Is Reviving Move to End Duals

New York I.T.O.A. has revived its move for the elimination of double bills. It condemns the practice as giving patrons "movie indigestion," and is asking for comments from exhibitors and distributors as to whether they are for or against duals and why. Also, if anyone has a solution, the I.T.O.A. would like to know what it is.

MPPDA Discusses Neely Bill and Pact

Discussion of the Neely Bill and the industry trade practice program, which is expected to be in final form in a day or two, occupied members of the M.P.P.D.A. board at their ad journed meeting yesterday.

Will H. Hays, president, named George J. Schaefer, Barney Balaban and Joseph H. Hazen, the latter of Warners, to a committee which will cooperate with Hays in a study he is making "of the whole problem of relief and security in the motion picture industry." Hays and the committee will work with officers of the M. P. Relief Fund, headed by Jean Hersholt, president; Ralph Morgan, executive committee chairman, and Ralph Block, treasurer.

Defer Vote to April 11 On Projectionist Bill

ALBANY, March 29.—Senator Crews, author of the projectionists bill said today that he has put over his measure until April 11 for a vote Other Senate business was the reporting out of the Coudert measure transferring regulation of theatrical agencies to city license commissioners. Also the Butler child admission measure, which was reported out for a vote. The Senate's Labor and Industries Committee held a public hearing today on all bills that had been referred to it for consideration.

Assemblyman MacNeil Mitchell, Manhattan Repubilcan, introduced a bill putting the sale of theatre tickets, particularly applying to resale and ticket brokerage, under license commissioners. It is substantially the same as the Coudert bill, now on the Senate calendar.

Honor Burhorn Who Won Quigley Award

CHICAGO, March 29. — About 100 civic and film industry leaders attended the testimonial dinner for John Burhorn at the Blackstone hotel tonight. Alex Manta and Jack Rose of Indiana-Illinois theatres were hosts. The group heard speeches by Mayor Edward J. Kelly and south-east Chicago business and industrial leaders as well as film men. Alderman William A. Rowan was toastmaster. Burhorn, manager of the Gayety theatre here, was honored with many tributes for his winning the Quigley Grand Silver Award.

Sponsor Mel Allen Show

Brown & Williamson Co. will assume sponsorship of Mel Allen's sports program over WABC, starting April 3.

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 45. NO. 62 NEW YORK, FRIDAY, MARCH 31, 1939 TEN CENTS

Trade Pact Is Completed; Exhibitors Get Final Draft

20th-Fox Sets $2,000,000 for 1939-'40 Ads

52 One-Reelers Planned, Convention Is Told

CHICAGO, March 30.—Charles E. McCarthy, 20th Century-Fox advertising and publicity head, announced at the company's sales convention at the Palmer House here today that the company will spend $2,000,000 in promoting its 1939-'40 program. This, he said, is the largest appropriation in the company's history.

An address by Herman Wobber, general manager of distribution, opened the three-day convention this morning, with 280 delegates on hand. General sessions will continue tomorrow, highlighted by an address by S. R. Kent, president, and an outline of 1939-'40 product by Wobber. Following this a telephone hookup will enable the delegates to hear Darryl F. Zanuck, production chief, and members of his staff, who will speak from the studio.

Tomorrow it will be disclosed that the company will have 52 shorts, all one reel, as in the current season, in

(*Continued on page 4*)

Levy, 306 Counsel, Goes to Washington

Department of Justice intervention in the I.A.T.S.E.-Local 306 strike brought an immediate calm into the situation, with strike leaders and distributor stategists alike apparently waiting for the Government's first move.

No significant developments occurred during the day unless it was the trip to Washington of Mathew Levy, Local 306 counsel. Union sources declined to give any information concerning the purpose of Levy's visit and it was alternately reported that he had gone to confer with William Green, A. F. of L. president, who is known to be disturbed by the local situation and that he had been summoned to Washington by Thurman Arnold, special assistant to the Attorney General for questioning.

It was also surmised that Levy may have gone on his own volition to confer with Arnold or another Department of Justice official on the possibility of their naming a Federal mediator. Both union and distributor cir-

(*Continued on page 4*)

Rodgers Note On Program

Following is the text of a letter accompanying a copy of the trade practice code sent by William F. Rodgers to Col. H. A. Cole, president of Allied. Similar letters of transmittal went last night to Ed Kuykendall, president, M.P.T.O.A., and heads of seven regional unaffiliated exhibitor organizations, as well as the Department of Justice:

Please refer to my letter of December 1st, 1938, under cover of which we sent you a memorandum prepared by us embodying the trade practice proposals resulting from the conferences between the distributors and various exhibitor groups representing most of the theatre operators throughout the country. That memorandum as revised by us has been the the basis of further conferences, and your counsel was good enough to send our counsel a further revision which was discussed at conferences between our respective counsel. As a result we have prepared a new revised memorandum which we enclose herewith.

Our original memorandum called attention to the fact that various matters in connection with arbitration and arbitration machinery had not been fully discussed. In a subsequent conference when we discussed a revision of this memorandum, we handed you a proposed basis which we had prepared upon which arbitration ma-

(*Continued on page 9*)

Highlights

1. Cancellation privilege to range from 10 to 20 per cent depending on rental price.

2. No preferred playing time on flat rentals or guarantee against percentage.

3. No shorts "forcing."

4. Starting with next season, no score charges.

5. Questions relating to performance of license agreements, clearance and over-buying to be arbitrated. License fees and other contractual terms not dealt with in code are not subject to arbitration, such matters to be determined by mutual agreement.

6. Pact to apply to all agreements made after Jan. 1, 1939, for 1939-'40 product and to continue for at least two seasons.

7. Arbitration procedure set forth in detail.

New Producer Offer Is Rejected by SWG

HOLLYWOOD, March 30.—The board of directors of the Screen Writers' Guild at a meeting last night turned down the producers' counter proposals to the guild demands for a pact to run three and a half years; 80 per cent guild shop and the right of writers to produce their own material during layoffs. The board also authorized Lillian Hellman to represent it at the Washington hearing on the charge of Wagner Act violation.

"The Story of Alexander Graham Bell"

(20th Century-Fox)

SAN FRANCISCO, March 30.—Don Ameche rings up mankind en bloc and tells the story of the telephone and its inventor in terms that the least and greatest of the world's people can comprehend in words of universal significance. As common as the instrument it pertains to and as close to the hearts of men and speech to lip and ear, the story is without limitation in appeal and point. Loretta Young and Henry Fonda share with Ameche one of the most impressive screen performances of this or any time and the production is in the finest Darryl Zanuck tradition.

Previewed at the Federal Theatre in the San Francisco World's Fair grounds, and following ceremonies broadcast throughout the nation, the

(*Continued on page 2*)

UA Only Distributor to Withhold Approval On Program

The proposed industry trade practice program was completed last night and sent out to all national and regional exhibitor organizations for their study and approval.

With completion of the draft it was disclosed that United Artists has withdrawn from participation in the trade practice conferences and will not be a party to the agreement.

Full text of the trade practice program will be found beginning on Page 7.

All other major distributors, presumably, are in accord on the draft as released.

William F. Rodgers, chairman of the distributors' negotiating committee, in letters to the exhibitor leaders accompanying final drafts of the program, advised that a joint conference of the distributors' and exhibitors' representatives will be sought with the Department of Justice at an early date in an effort to obtain its approval of the program and to consider methods of putting it into effect. A copy of the program and of Rodgers' letter to exhibitor leaders was sent to the Department of Justice, also.

May Change Phraseology

Completed draft, while regarded as "final" insofar as material concessions and reforms by distributors are concerned, may yet undergo further revisions of phraseology. In substance, however, the draft, which is published in full elsewhere in this issue, is expected to undergo no important changes. Scheduled to go into effect with the start of the 1939-'40 selling season, the program includes provisions for arbitration boards in every exchange center to hear and settle trade differences. Arbitrators will be selected from panels named equally by distributors and local exhibitor associations. Submission of disputes to arbitration will, of course, be voluntary.

The trade code will be effective at the outset for a two-year period commencing with the new season. At the end of the second exhibition year, signatories, either distributor or exhibitor, will be at liberty to withdraw. Provision will be made also for dis-

(*Continued on page 9*)

Purely Personal

PAUL NATHANSON, ARTHUR LEE, MR. and MRS. OSCAR HANSON, MAURICE BERGMAN, MILTON BERLE, LYNN FARNOL, JAMES MULVEY, HARRY BUCKLEY, HARRY GOLD, HARRY KOSINER, MONROE GREENTHAL at BOB GOLDSTEIN'S Tavern for luncheon yesterday.

•

IRENE CASTLE MCLAUGHLIN, who acted as technical director for RKO's "The Story of Vernon and Irene Castle" which opened at the Music Hall yesterday, arrived from Chicago for the premiere. She held a press conference at the Hotel Gotham.

•

MERLE OBERON, JAMES ROOSEVELT and WILLIAM WYLER will be guests of United Artists at a press reception today. MISS OBERON, who just finished work in SAMUEL GOLDWYN'S "Wuthering Heights," sails for Europe tomorrow on the *Normandie*.

•

JOSEPH H. SEIDELMAN, Universal foreign sales manager, who returned from a six-week tour of South America early this week, will attend the company's three regional sales conventions, first of which starts April 15 in Cincinnati.

•

MARTIN COOPER SMITH, nephew of JOSEPH COOPER, president of Standard Theatres, and manager of the Victoria in Oklahoma City, is vacationing in the east.

•

ED KUYKENDALL, M. P. T. O. A. president, left New York for Washington last night where he will remain for the Neely Bill hearings next week.

•

ALFRED HITCHCOCK leaves New York today for Hollywood, where he will direct "Rebecca" for Selznick International.

•

WALTER BROWN, Midwest division manager for Ross Federal Service, has returned to Chicago from home office conferences.

•

HAL MOORE, WNEW staff announcer, is celebrating his fifth year as commentator with Paramount News this week.

•

NAT WACHSBERGER, associated with Harry Brandt in release of foreign films, arrived yesterday on the *Normandie*.

•

RAY BELL, Loew's publicity chief in Washington, has returned there after home office conferences.

•

DAVID MAX FACTOR of Hollywood returned yesterday on the *Normandie* from London and Paris.

•

EDWARD C. RAFTERY, United Artists attorney, is due back in New York from the coast early next week.

•

FRANK C. WALKER will return Monday from a trip to the northwest and California.

Drops Lamour Suit

Martin Starr yesterday withdrew his court action against Dorothy Lamour for fees for service.

West Coast Preview

"The Story of Alexander Graham Bell"

(*Continued from page* 1)

film comes to exhibitors on a wave of exploitation sweeping the length, breadth and depths of the screen-conscious population. To Irving Cummings for masterly direction, to Lamar Trotti for a splendidly integrated screenplay and to Kenneth MacGowan, who served Zanuck as associate producer, the industry is indebted for a fine film documentation of a great chapter in American inventive history.

Charles Coburn, Gene Lockhart and Spring Byington play excellent secondary roles and Miss Young's three sisters, Polly Ann, Georgiana and Sally Blane, supply effective family relief. The cumulative effect of these several balanced portrayals is to make the factual material of which the film is compounded as fresh and as poignant in emotional impact as though witnessed in the happening through a telescope turned magically back into time.

This is a picture to advertise to the adult and child, to the old and young, to anybody and everybody whose experience includes contact with the telephone. The episodes are intimately related to family interest. A single scene in which a child born mute is taught to speak his first word had the preview audience in tears and then in cheers. Not less than half a dozen times handkerchiefs were out and many times came applause of the kind that means only one thing to the box-office, repeat business. The picture is a natural on every count, as entertainment, as art and as the stuff which the screen needs, now and always, more than any other thing.

Running time, 95 minutes. "G."* ROSCOE WILLIAMS

*"G" denotes general classification.

'Story of Bell' Will Open at Roxy Today

"Story of Alexander Graham Bell" will have its premiere at the Roxy today. "I'm from Missouri" finished its first week at the Paramount with an estimated $46,000, well above average, and is holding up in its second week. "Love Affair" grossed an estimated $70,000 in its second week at the Music Hall and "The Story of Irene and Vernon Castle" opened there yesterday. "Hound of the Baskervilles" drew an estimated $37,500 at the Roxy.

"You Can't Get Away With Murder" grossed an estimated $30,000 at the Strand and is held. At the Capitol, "Sergeant Madden" drew an estimated $22,000 and made way yesterday for "Society Lawyer." In its 16th week at the Astor, "Pygmalion" drew an estimated $10,000. Fourth week of "Blackwell's Island" grossed an estimated $7,000 at the Globe. The Filmarte will close temporarily Sunday because of lack of foreign product.

Program Given for 'Dodge City' Opening

DODGE CITY, Kan., March 30.—Following is the program for the opening of Warners' "Dodge City" tomorrow: 10 A. M.—Arrival of special with screen and press groups. 11 A.M.—Reception. 12—Chuckwagon luncheon. 2 P.M.—Western parade. 4 P.M.—Rodeo and pageant. 7 P.M.—Broadcast. 9 P.M.—Premiere and personal appearances of stars. 10 P.M.—Street Dance. In connection with the opening Warners are issuing two major press book campaigns.

Metro Plans $10,000 In Exhibitor Prizes

Howard Dietz, M-G-M advertising and publicity head, said yesterday that cash prizes totaling $10,000 will be awarded to independent exhibitors in the United States and Canada for the best campaigns on the company's pictures to be released between Sept. 1, 1939, and Jan. 1, 1940. First prize is $2,500, second $750, third $500.

The Newsreel Parade

Newsreels have selected a series of light news events for their new issues, out yesterday. The reels and their contents follow:

MOVIETONE NEWS, No. 58—Fall of Madrid. French president visits London. Hitler returns from Slovakia. New streamlined subway train. Harry Warner greets son of Czechoslovakia founder. Fire in Florida. Quadruplets meet in Texas. Paint high smokestack in Australia. Fox hunt. Football practice. French general reviews troops. Primo Carnera weds. Fishing in Washington.

NEWS OF THE DAY, No. 256—Florida Everglades burn. President Lebrun in England. Peace in Spain. Philadelphia zoo prepares for spring. Easter style parade. Boxing under water. Football players train on beach.

PARAMOUNT NEWS, No. 69—Stamp collection auction. Legal lottery in Puerto Rico. Brides share 1824 will. Oil controversy. Passion Play. Ski championships. Davey O'Brien turns pro. Sailing competitions.

RKO PATHE NEWS, No. 73—British navy maneuvers. Senator Borah speaks. Hospital ships for refugees. High school teaches aviation. Biggest shark caught. Ping pong championships. Police dog obeys orders over radio. Arctic explorer returns. Observation balloons in Pacific.

UNIVERSAL NEWSREEL, No. 758—Son of Czechoslovakia founder is welcomed by Harry Warner. Madrid falls. Foreign envoys in Washington. Peruvian fliers take off. Modern subway train. Fashions. Ski meet. Underwater boxing. Aqua-planing. Wrestling.

Lazarus Nominated As Ampa President

Paul N. Lazarus was nominated for the Ampa presidency yesterday at a meeting held at the Hotel Astor. Other officers named for the coming year included: Vincent Trotta, vice-president; Kenneth Clark, secretary; Herb Berg, treasurer. Ralph Rola, Eli Sugarman, James Cron, Lou Lipton and Martin Starr, together with the four officers, have been selected for the Board of Governors. Martin Starr will act as trustee for the next three years. There is no opposing slate. Election will be held April 27.

Herbert Kline, producer of "Crisis," was the principal speaker yesterday. Mrs. Timothy A. Kenny of Kendor Productions and Brenda Forbes of the play "One for the Money," also spoke.

David P. Howells Dies in Hollywood

HOLLYWOOD, March 30.—David P. Howells, Bishop of the Wilshire ward of the Mormon Church, died here yesterday. He was 56 years old. Funeral services will be held tomorrow.

Although in recent years Bishop Howells had devoted himself almost entirely to the Mormon church in his earlier years he was identified with the film industry. He was a pioneer in the distribution of American films in the Far East. He purchased the Far Eastern rights of the old World Film Corp. and established the program of the old Metro company in the Far East, Australia and New Zealand.

When First National was organized he obtained rights to its product and his company became the most extensive of the independent international distributors. He liquidated the company in 1925 and returned to Salt Lake City, and since has divided his time between Utah and California.

New Sunday Show Bill

ALBANY, March 30.—Another bill providing for a referendum by villages on Sunday shows was introduced today by Assemblyman Owens. A similar bill was dropped from the calendar last week.

MOTION PICTURE DAILY

(*Registered U. S. Patent Office*)

MARTIN QUIGLEY, Editor-in-Chief and Publisher; SAM SHAIN, Editor; JAMES A. CRON, Advertising Manager.

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication office: 1270 Sixth Avenue at Rockefeller Center, New York. Telephone: CIrcle 7-3100. Cable address: "Quigpubco, New York." All contents copyrighted 1939 by Quigley Publishing Company, Inc. Address all correspondence to the New York office.

Other Quigley publications: MOTION PICTURE HERALD, BETTER THEATRES, TEATRO AL DIA, INTERNATIONAL MOTION PICTURE ALMANAC and FAME.

BUREAUS: — *Hollywood:* Postal Union Life Building, Vine and Yucca Sts.; Boone Mancall, manager; William R. Weaver, editor. *Chicago:* 624 S. Michigan Ave., C. B. O'Neill, manager. *London:* 4 Golden Square, W. 1: cable address, Quigpubco, London; Hope Williams, manager.

Entered as second class matter Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879.

Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Biggest

TRADE AGREEMENT of All:

WARNER BROS.

NOW!

WARNER BROS.

NEXT YEAR!

Para. to Have Nine From England, Says Hicks on Arrival

Paramount will have nine features from England in the quota year now starting, three of which will be Charles Laughton films from Erich Pommer and the balance to be made by the company, it was said by John W. Hicks, Paramount foreign chief, who arrived yesterday on the *Normandie*. Other than the Laughton films and "French Without Tears," the films will be single quota.

Hicks was gone three months. He went abroad with Adolph Zukor and Dave Rose, and the three set up the production program. Zukor, who has visited many of Paramount's offices in Europe, sails for New York April 15 and will go to Hollywood. He may then visit South America.

Other Arrivals

Also arriving on the *Normandie* were Gabriel Pascal, Ben Goetz, Sam Wood and Herbert Wilcox. Goetz, who heads M-G-M's British production, brought a print of "Goodbye, Mr. Chips," which Wood directed. He plans to leave today for the coast to set future plans with Louis B. Mayer.

Wilcox will settle final details with George J. Schaefer, RKO head, on the cooperative production arrangement his Imperadio Pictures has with RKO for two to four films a year. His first under the arrangement will be "Marie Lloyd," starring Anna Neagle, to be made in England. Wilcox will cast the film while here and will arrange for casting "Kitchener of Khartoum," which follows. Michael Hogan, who will do the "Marie Lloyd" script, arrived with Wilcox.

Has Shaw Plays

Pascal disclosed he has obtained exclusive film rights to all Bernard Shaw plays. He will make "Doctor's Dilemma" in England for M-G-M and other films may be for the company. He will cast "Dilemma" at the M-G-M studio, where Howard Estabrook is completing the shooting script.

Other arrivals were Greer Garson, of the cast of "Goodbye, Mr. Chips" and under contract to M-G-M, who may appear in the Pascal film, and Laurance Irving, Pascal's set designer.

RKO New England Post to McDonald

Harry McDonald, manager of the RKO Albee theatre, Providence, was named New England division manager of RKO Theatres yesterday by John J. O'Connor, general manager.

McDonald succeeds Charles Koerner, who leaves Boston April 7 to take over his new post as manager of RKO's West Coast theatre division. The New England division is comprised of theatres in Boston, Providence and Lowell.

E. K. Sets Stock Price

ROCHESTER, March 30.—Eastman Kodak's board at a special meeting fixed $127.50 as the subscription price of 225,092 authorized but unissued shares of common stock.

Levy, Counsel of 306, Goes to Washington

(*Continued from page* 1)

cles believe that if mediation is to be effective in the present situation it must be through the participation of Federal agencies, rather than the state board which was appealed to by Broadway theatre operators. This on the basis that films are in interstate commerce, and, therefore, under Federal jurisdiction.

Levy's Washington trip, incidentally, prevented his giving a reply yesterday to the mediation proposals made to him on Wesnesday by Jules J. Freund of the state mediation board, as he had been scheduled to do.

Brill Here for Probe

Joseph E. Brill of the Department of Justice anti-trust division arrived here yesterday from Washington to take charge of the Federal investigation of the strike. He conferred at once with William McGovern of the Federal District Attorney's office here and today will begin his study of the situation created by the strike to determine whether there have been any violations of the Federal anti-trust laws. Issuance of subpoenas for officials of I.A.T.S.E., Local 306, Local B-51 and Empire State Operators union are contingent upon the results of Brill's study.

Meanwhile, work on the injunction being prepared by attorneys for the distributors was suspended to await developments.

A Real Bargain

Seattle, March 30.—Daily "bargain matinee" at Joe Danz's Embassy here has developed into even more of a bargain than previously offered. For 10 cents, prior to 1 o'clock every afternoon, patrons may see three full length features and a supporting program of newsreel and shorts. The former policy included only two features.

20th-Fox Sets $2,000,000 For 1939-'40 Advertising

(*Continued from page* 1)

addition to semi-weekly issues of Movietone News. The shorts program may later be expanded or reduced for reasons either of unusual interest in subject matter or company policy. The shorts and newsreel will be sold separately from features.

Spyros Skouras, National Theatres operating head, spoke this morning and voiced optimism regarding the coming months. "Goodwill between exhibitors and distributors is what we need most," he declared. Regardless of the outcome of the Government suit, the business will go forward, he said.

National Theatres has no expansion plans, he revealed. He commended Darryl F. Zanuck for keeping 20th Century-Fox stars off the air and said radio should develop its own talent and not compete with the film industry.

Felix Jenkins, general counsel, discussed technical details of the 1939-40 contract, aspects of the trade practice program and clearance. He said the company will set up clearance in the best interests of distributor and exhibitor. Other speakers at the morning session were J. J. Sullivan and W. T. Powers, National Theatres executives, and William Kupper, western division head, who emphasized the sales staffs' support to their chief.

To Increase Schedules

Most of the advertising budget will be spent on cooperative newspaper advertising, McCarthy said, with national magazines of large circulation and fan magazines also used. Schedules will be increased to almost 300 daily papers with a combined circulation of 30,317,641. During the present season the company is using 24 national magazines with a combined circulation of 22,610,486, and use of these media will continue.

The daily paper is the medium best adapted to film advertising, McCarthy said, because of its flexibility permitting the ads to coincide with release dates and local booking dates.

Truman Talley, producer of Movietone News and shorts, tomorrow will outline his department's product. The 52 one-reel shorts will include: six in the "Magic Carpet of Movietone" series; four Fashion Forecasts, in color, produced under direction of Vyvyan Donner with Ilka Chase as narrator; six "Sports Reviews" by Ed Thorgersen; four "Adventures of a Newsreel Cameraman," and six "Dribblepuss Parade Comedies" with Lew Lehr.

There will also be 26 Terrytoons, 10 of which will be in color. The two cartoon characters, Captain McDoodle and Gandy Goose, will be continued.

The Lew Lehr shorts will be different from those being currently released. The first will be "Muscle Maulers," on wrestling, with Lehr giving the commentary, and this style will be followed in the others.

Hutchinson a Speaker

At today's afternoon session, Walter J. Hutchinson, foreign chief, spoke on the overseas situation and introduced members of his staff. The importance of the Latin American market was stressed. R. Sutton Dawes, British sales manager, invited Kent and Wobber to the European conventions in May. Lee Brandfeld, former Czech manager, will be given a South American assignment.

J. P. O'Loghlin, 1938 Kent drive leader, presented drive prizes, and Milton A. Levy, 1939 leader, outlined plans for the new drive. William Sussman and W. C. Gehring, eastern and central division managers, spoke on sales plans.

Tonight the delegates attended a "sneak preview" of "Alexander Graham Bell" at the Chicago Theatre. All day Saturday will be devoted to individual meetings and the delegates are scheduled to leave Saturday afternoon and night.

Republic Regional At Houston Friday

Herbert J. Yates, J. R. Grainger, president, and Al Adams, director of publicity and advertising, will leave Sunday for the first of four Republic regional sales conferences at Houston. They will attend the world premiere of "Man of Conquest" at the Majestic, Houston, Thursday, and the convention will take place Friday and Saturday at the Rice Hotel. M. J. Siegel, studio head, and William Saal also will attend.

Claire Hilgers, southern district sales manager, will preside. Entire sales organization of Republic's eight southern offices will be present. Yates and Grainger will return immediately to attend the New York meeting at the Park Central April 12 and 13. The Chicago convention will follow at the Drake April 20 and 21 and the San Francisco meeting will be held at the Empire Hotel April 25 and 26. Program for the 1939-'40 season will be announced at the meetings.

Others expected at Houston are A. C. Bromberg, George Jones, A. E. Rook, S. T. Wilson, P. Spencer and Carl Floyd of Atlanta; Cy Dillon, H. P. Rhodes, M. Funderburk, Jack London and R. H. Bradley of Charlotte; L. Seicschnaydre, George Nungesser, G. Y. Harrell and J. D. Duffy of New Orleans; William Underwood, C. Ezell, L. Rust, D. Rathbone, M. McDonnell, M. Sexton and R. I. Brown of Dallas; Sol Davis, M. Loewenstein, F. Moran, G. Alt, E. Greggs, Ona Johnson and T. B. Noble of Oklahoma City; B. F. Busby, G. Jones and F. Lawrence of Little Rock; W. M. Snelson and L. B. Miller of Memphis; H. Glover and H. Moore of Tampa; C. Hillgers of the home office.

NSS, Trailer-Made Action Is Settled

Infringement action of National Screen Service pending in U. S. District Court here against Trailer-Made, Inc., was settled yesterday through issuance of an injunction decree under which Trailer-Made is perpetually enjoined from use of National music. The suit was based on the charge that Trailer-Made used National's sound tracks in its trailers.

The settlement decree, in addition to a permanent injunction, requires Trailer-Made to pay National a counsel fee of $3,000; requires the surrender for destruction of all negative sound track with National music, removing from circulation all trailers with National music, inspection of all sound track and trailer in Trailer-Made's library, and affidavits from time to time to show that the defendant is complying with the decree.

In addition, Trailer-Made withdrew its suit against National in which it was charged that National had interfered with Trailer-Made's business.

Saul E. Rogers, attorney for Trailer-Made, pointed out that the payment of damages was not involved in the settlement and that no admission is made in the decree that the use of any of the music was deliberate.

soon . . .

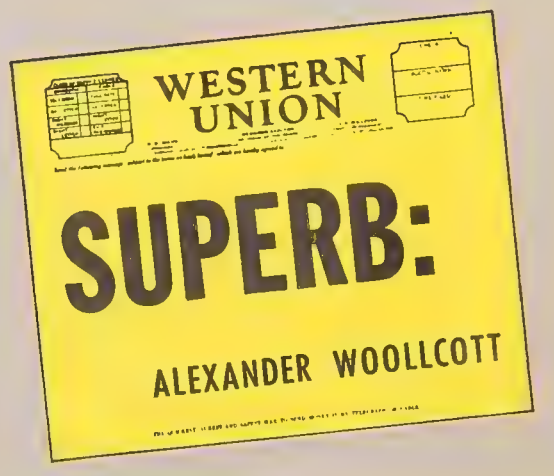
in all the crimson magnificence
of its volcanic, emotional fury.

SAMUEL GOLDWYN presents

WUTHERING HEIGHTS

co-starring
MERLE OBERON
LAURENCE OLIVIER
DAVID NIVEN
with Flora Robson · Donald Crisp
Geraldine Fitzgerald
Screen play by Ben Hecht & Charles MacArthur
Directed by WILLIAM WYLER
From the great novel by Emily Bronte

. . . and released thru **UNITED ARTISTS**



WATCH FOR GOLDWYN BUSINESS

Entire LOEW'S CIRCUIT . . APRIL 14th

RADIO CITY MUSIC HALL . . . SOON

PARAMOUNT, SEATTLE . . APRIL 14th

HOLLYWOOD & DOWNTOWN, LOS ANGELES . . . . . APRIL 20th

U. A., CHICAGO . . . . . APRIL 15th

U. A., DETROIT . . . . . APRIL 14th

WUTHERING HEIGHTS

Presented by Samuel Goldwyn and launched with powerful national magazine advertising to 75,000,000 coincident with release date

TEXT OF INDUSTRY TRADE PRACTICE CODE

PREAMBLE

The signatories hereto, being distributors, exhibitors and organized groups of exhibitors of motion pictures, hereby severally adopt the following as a code of fair practice, hereby severally binding themselves to the observance of the principles, policies and practices set forth herein in the licensing, distribution and exhibition of motion pictures in continental United States.

I. Exclusion Privilege

(1) *Exclusion as a matter of right.* Whenever an exhibitor shall have entered into a license agreement for all of the feature motion pictures ("features") offered[1] at any one time by a distributor for a run in any situation[2], such exhibitor shall have the right to exclude therefrom, without payment of the license fee therefor, not to exceed twenty per cent. of the total number of features contracted for, if the average of the license fees for all features contracted for shall not exceed $100.00 per picture; fifteen per cent., if such average is in excess of $100.00 and not in excess of $250.00; and ten per cent., if such average is in excess of $250.00.

Notes on Text, Page 9

In determining the number of features that may be excluded, fractions of one-half or more shall be counted as one and fractions of less than one-half shall not be counted.

In computing the average of the license fees for all features contracted for the license fees of features based in whole or in part on a percentage of the gross receipts of exhibition shall be included at the average of the license fees of all the distributor's features of the preceding motion picture season which were exhibited upon a percentage basis for the same run in such situation. If none of the distributor's features was so exhibited during the preceding season, then such average of license fees shall be agreed upon by the distributor and the exhibitor and included in the license agreement.

For the purpose of determining the rights of exclusion of an exhibitor hereunder, so-called "Westerns" (as such term is understood in the motion picture industry),[3] reissues and foreigns (except such as may have been produced outside of the United States in the English language by an American producer or distributor or subsidiary thereof) shall not be included in the number of features offered or contracted for as above provided, but shall be deemed to have been offered in separate groups and, if contracted for, the features in each such group shall be subject to exclusion on the basis set forth above and, if included with other features in the same license agreement, shall be separately listed.

The right of an exhibitor to exercise his exclusion privilege herein provided for shall be subject to the following terms and conditions:

(a) a first run exhibitor shall give the distributor written notice with respect to each feature he elects to exclude within fourteen days after the mailing by distributor of the first notice of availability thereof; any other exhibitor shall give such notice within fourteen days after the close of the first exhibition of such feature in the city or town in which his theatre is located or the mailing of the notice of availability thereof, whichever is later, provided that if such feature is not exhibited on a prior run in such city or town and notice of availability shall have been previously mailed to such exhibitor, the distributor shall mail to such exhibitor a new notice of availability thereof and notice of exhibitor's election to exclude such feature shall be given within fourteen days after the mailing of such new notice;

(b) the exhibitor shall not, at the time of giving such written notice, be in material default under the license agreement[4];

(c) exclusions shall be made proportionately among the several price brackets provided for in the license agreement[5]; but any number of exclusions to which an exhibitor is entitled may be made from the lowest price bracket;

(d) if any exhibitor, having the right to do so, fails to exclude one or more features from higher brackets, he shall, for each such feature, have the right to exclude one feature from the lowest bracket; provided, however, that if at the time there are no unplayed available features in the lowest bracket, he may exclude a feature from the next lowest bracket.

Upon the exclusion of any feature under this Section (1), the license therefor shall terminate and all rights thereto shall revert to the distributor and such exclusion shall be charged against the number of exclusions to which the exhibitor may be entitled, whether or not a new license agreement for the exhibition of such feature is subsequently entered into by such exhibitor.

All disputes growing out of the exercise or attempted exercise by an exhibitor of the exclusion privilege provided for in this Section (1) shall be subject to arbitration.

(2) *Exclusion for cause.* An exhibitor shall have the right, in addition to the exclusion privilege provided for in Section (1) above, to exclude from any license agreement any feature which may be locally offensive on moral, religious or racial grounds, provided he shall give the distributor written notice, not later than fourteen days after the conclusion of its first exhibition in the exchange territory in which the exhibitor is served, of his desire to exclude such feature, specifying the reasons therefor. Upon the exclusion of any feature under this provision, the license therefor shall terminate and all rights thereto shall revert to the distributor. Any dispute as to whether or not a feature is in fact so locally offensive shall be subject to arbitration. The arbitrators shall not, in deciding such question, take into consideration the decision of any arbitrators with respect to the same feature except only that they may do so if such decision concerns the same feature in the same local area in which exhibitor's theatre is located.

20th-Fox to Follow Rules of Trade Pact

Chicago, March 30.—"Whatever the trade practices will be, 20th Century-Fox will follow the rules. There will be no chiseling. We have always been fair in our dealings with exhibitors. We will continue to follow that policy faithfully."

Herman Wobber, 20th Century-Fox sales chief, thus keynoted his opening address at the company's sales convention here today. He declared the company will do as much as others in promoting fair practices.

II. Trade Announcement

Each distributor shall make a general trade announcement at or prior to the beginning of each of its seasons, containing such information as it may be practicable to give of all features completed or actually in production then intended for release during such season, it being understood that the completion of such features actually in production and the making of such other features which it is intended to produce are subject to the hazards and uncertainties of the business and they may not be completed or produced, as planned.

III. Public Demand for Exceptional Feature

If in any town or in any city, or section of a metropolitan city, an exhibitor shall request of a distributor the license for a run in any situation[6] of a feature, having such an exceptional and outstanding appeal as to create a natural and spontaneous national public demand and for which there is a spontaneous and natural public demand in the town, city or section of the metropolitan city in which his theatre(s) is located, and which would not be shown in such town, city or section unless licensed for exhibition to exhibitor, and the distributor offers to exhibitor a greater number of features than exhibitor because his playing time will be so absorbed by previous commitments for features can without altering his operating policy reasonably exhibit in such situation, the distributor will then offer to such exhibitor such lesser number of features, including such requested feature, as may be agreed upon or, lacking such agreement, such number as may be determined by arbitration to be the maximum number of features which can reasonably be exhibited by exhibitor in such situation; provided that the distributor shall have the right at any time before the arbitrators shall have made their award to offer or license all or any of its features to any other exhibitor.

An exhibitor who has been a customer of a distributor and who has refused to contract for such distributor's features for the situation involved shall have no right to attempt to use this Article to compel such distributor to license to him from time to time its outstanding features.

Any dispute as to whether such requested feature is an "Exceptional Feature" as above described or as to the number of features which can reasonably be exhibited by exhibitor in such situation or as to whether exhibitor is so attempting to use this Article, shall be submitted to arbitration by exhibitor within fourteen days after the refusal by distributor to license to exhibitor the number of features requested by the exhibitor.

IV. Preferred Playing Time

(1) *Flat rentals and guarantees.* A distributor will not exercise the right to designate features for preferred playing time which it may have under a license agreement with respect to any features, the license fee for which is either a fixed sum or is computed in whole or in part upon a percentage of the gross receipts of exhibition with a fixed minimum sum guaranteed.

(2) *Features Unsuitable for Preferred Playing Time.* If a distributor shall exercise the right to designate features for preferred playing time which it may have under a license agreement with respect to any feature licensed solely on a percentage basis, which is claimed by exhibitor to be unsuitable for such playing time and if exhibitor shall give distributor written notice of his objections thereto and the reasons therefor within seven days after the mailing of notice of such designation in case of a first run in a city in which an exchange is located or in any other case within seven days after the close of its first exhibition in the exchange city from which exhibitor is served or the mailing of the notice of designation, whichever is later, the question of such suitability shall be determined by agreement between distributor and exhibitor or, lacking such agreement, by arbitration. Unless distributor rejects the claim of exhibitor by mailing notice to exhibitor within seven days after the mailing by exhibitor of such notice of objections as above provided, distributor shall be deemed to have withdrawn such designation. Should distributor, however, reject such claim, exhibitor shall commence arbitration proceedings to determine the dispute within seven days after the mailing of such notice of rejection.

If the feature is determined, by agreement, or arbitration, to be unsuitable for the designated preferred playing time, or the designation thereof be deemed withdrawn as above provided, distributor may, at its option, either (a) designate the feature to be exhibited upon the same license terms on other days of the week or (b) then or thereafter substitute another feature to be exhibited on preferred playing time upon the terms designated for the feature objected to; in the latter case the license fee for the feature originally designated shall be such as may be designated by the distributor within its right under the license agreement.

Nothing in this Section (2) shall decrease or increase the number of features in each bracket as set forth in the license agreement.

V. Some Run Available

To meet objections of certain exhibitors to so-called "exclusive selling," an exhibitor shall be able to obtain from a distributor a run of its features in any situation, the run to be designated by the distributor, provided (a) distributor and exhibitor can mutually agree upon the number of features to be licensed and other

(*Continued on page* 8)

Complete Arbitration Machinery Is Set Up

(Continued from page 7)

terms and conditions; (b) the exhibitor's theatre(s) (i) is not of an obsolete character, (ii) is in good condition and (iii) is operated under a policy that is not destructive and (iv) is operated under a policy which will not substantially reduce the distributor's revenue from any other run[7]; and (c) exhibitor is of good reputation as a theatre operator and customer or, if he has not been an exhibitor theretofore, is of good reputation and financially responsible. Any dispute arising under provisos (b) or (c) hereof shall be subject to arbitration. No dispute under proviso (a) hereof shall be subject to arbitration; but each distributor states that it will be its policy not to request unreasonable license fees or other terms or conditions from an exhibitor for the purpose of defeating this Article V.

VI. Regular Customer

To meet objections of certain exhibitors to so-called "selling away to a circuit," a distributor will not refuse to license its features to its regular customer who is not a "circuit customer"[8], in order to license them, for the same run in the same competitive area, to another exhibitor for the sole reason that such exhibitor is a circuit customer, provided that such regular customer (a) has substantially performed his previous license agreements with the distributor, (b) maintains and operates his theatre in a modern manner, and (c) is financially responsible. Any dispute as to whether a distributor has so refused to license its features to such regular customer shall be subject to arbitration. Should distributor elect to license its features to an exhibitor (other than its then current customer) who is a circuit customer, distributor shall, if its then current customer is not a circuit customer, give him notice by telegraph of its election so to do. Should such current customer fail to commence arbitration proceedings within five days after the sending of such notice, he shall be deemed to have waived all claims, if any, in connection with such features under this Article VI.

VII. Short Subjects, Newsreels, etc.

No exhibitor shall be required to license short subjects, newsreels, trailers, serials, re-issues, "Westerns" or foreigns,[9] (hereinafter collectively referred to in this Article as "Shorts"), as a condition of licensing other features.

An exhibitor shall have no right to assert any claim that the licensing of such features was so conditioned unless he shall have mailed to the distributor at its Home Office notice in writing of such claim and the grounds therefor within forty-eight hours after delivery by exhibitor of his signed application for such "Shorts." Any dispute as to whether the licensing of such features was so conditioned shall be subject to arbitration. The powers of arbitrators in any such dispute shall be limited to:

(a) a finding as to whether or not the licensing of such features was so conditioned; and, if the finding be in the affirmative, then,

(b) an award cancelling the license agreement or agreements for (or to the extent that they relate to) such "Shorts."

VIII. Score Charges

Score changes, if any, for flat rental features for the 1938-1939 exhibition season shall be added to and consolidated with the license fees therefor. Commencing with the 1939-1940 exhibition season there shall be no separate score charge for features licensed on either a flat rental or a percentage basis.

IX. Allocation of Features

Under license agreements authorizing a distributor to allocate features to particular price brackets, distributor, on giving notice of the availability of each feature, shall notify exhibitor of the price allocation thereof, except that such notice of price allocation shall be given not later than fourteen days after the national release date thereof to first-run exhibitors in those cities which the distributor may designate as "Key Cities."

X. Form of License Agreement

Each distributor will use its best efforts to simplify its form of license agreement.

XI. Selective License Agreements

Whenever an exhibitor shall have the right under a license agreement to select a number of features out of a larger number, he shall exercise such right by written notice of selection or rejection of each feature to which he may be entitled under such agreement within twenty-one days after the mailing of the notice of availability thereof. Failure of exhibitor to give such written notice with respect to any feature within such period shall constitute a selection thereof by exhibitor.

XII. Playing Features in the Order of Release

If under any license agreement an exhibitor is obligated to play features in the order of their release, the distributor will not withhold features from exhibitor because features previously released have not been exhibited by him if his failure to exhibit them was due to the failure of distributor to make them available. Any dispute hereunder shall be subject to arbitration.

XIII. Coercing Contracts

No distributor shall coerce or intimidate an exhibitor to enter into any license agreement by threatening to build or otherwise acquire, or by falsely representing that any other person will build or acquire, a motion picture theatre for operation in competition with such exhibitor.

An exhibitor shall have no right to assert any claim that he has been so coerced or intimidated unless he shall have mailed to the distributor at its Home Office notice in writing of such claim and the grounds therefor within forty-eight hours after delivery by exhibitor of his signed application for such license agreement.

Any dispute as to whether exhibitor was so coerced or intimidated shall be subject to arbitration. The powers of arbitrators in any such dispute shall be limited to:

(a) a finding as to whether or not the exhibitor was so coerced or intimidated; and, if the finding be in the affirmative, then,

(b) an award cancelling such license agreement.

XIV. Other Subjects of Arbitration

(1) *Performance of License Agreements.* Any claim by either party to a license agreement that the other party has breached any provision thereof shall be subject to arbitration.

The arbitrators shall have power to make the following awards only:

(a) To find that the provision involved has been breached;

(b) to direct specific performance of the provision involved;

(c) to award actual damages with respect to each feature involved, which award shall not exceed the liquidated damages provided therefor in the license agreement.

(2) *Clearance.* The parties hereto recognize: that clearance, reasonable as to time and area, is essential in the distribution and exhibition of motion pictures; that an exhibitor has the right without restriction to license for any theatre any run for which he is able to negotiate with any distributor; and that, subject to Article VI hereof, a distributor has the right without restriction to license for any theatre any run for which it is able to negotiate with any exhibitor.

Any dispute as to whether or not the existing clearance, under the conditions involved in the particular instance, is unreasonable shall be subject to arbitration.

The powers of arbitrators in any dispute relating to clearance shall be limited to:

(a) a finding as to whether or not the theatre or theatres whose clearance is complained of, or any of them, is entitled to clearance; and, if so, then,

(b) an award of the reasonable maximum clearance to which such theatre or theatres is entitled.

(3) *Over-buying.* Any complaint by an exhibitor that another exhibitor has contracted for the license for exhibition of a greater number of features than the latter reasonably requires for exhibition in his theatre or theatres, with the intent and effect of depriving the complaining exhibitor of sufficient features to operate his theatre or theatres, shall be subject to arbitration.

In considering such complaint, the arbitrators, shall, among other things, make due allowance for a sufficient number of features reasonably to protect the responding exhibitor against non-delivery of features and failure to make features available and give due regard to the type and operating policy of the theatre or theatres operated by the responding exhibitor. In no event shall an exhibitor be deemed to be "over-bought" if his minimum commitments do not exceed by more than fifteen (15%) per cent. his maximum requirements. If the arbitrators shall find that overbuying exists as herein provided, they shall specifically find by what number, if any, the responding exhibitor shall have ever-bought and the responding exhibitor shall then be permitted a period of fourteen days from the date of the arbirtrators' decision to obtain the release of such excess number, if any, from his license agreement(s); if the exhibitor does not obtain such release, in whole or in part, then the arbitrators shall make an award apportioning among the distributors, with which responding exhibitor has entered into license agreements, the number of features to be released by them, respectively (being in the aggregate the number of features "overbought" less such number, if any, the release of which the responding exhibitor shall have obtained) to the complaining exhibitor[10], provided that no such award shall be made unless adequate assurance shall be given to each distributor that it will receive from the complaining exhibitor, in respect of its features to be so released, no less in license fees and no less favorable other terms than were provided for in its license agreement with the responding exhibitor.

(4) *License Fees, Other Terms and Conditions.* Neither license fees, nor (except in the respects and to the extent specifically provided in this code) other terms or conditions upon which motion pictures may be licensed by a distributor to an exhibitor, shall be the subject of arbitration for any purpose under any Article hereof, each of the parties hereto recognizing that such matters are to be determined only by mutual agreement between distributor and exhibitor.

XV. Effective Date

The provisions of this code shall apply to all contracts made after January 1, 1939 for 1939-1940 product and the product of subsequent years so long as this agreement shall be in effect.

XVI. Term

The term of this code shall be for two exhibition seasons[11], commencing with the season 1939-1940, and thereafter indefinitely.

Any signatory hereto may withdraw herefrom at the end of the second exhibition season or at the end of any subsequent exhibition season by giving written notice of such withdrawal to the other signatories at least six months prior to the end of such exhibition season.

[Provision should be made giving

(Continued on page 9)

Final Concessions

"So far as the concessions are concerned, this is as far as the companies can go," William F. Rodgers told Motion Picture Daily last night. "The industry's best brains have prepared the code, and as far as language is concerned, it is also the best that the collaborators have been able to accomplish.

"We have taken all factors into consideration, as well as all suggestions made by the nine exhibitor groups who participated in the negotiations."

Text of Industry Practice Program

(*Continued from page 8*)

the signatories the right of withdrawal in the event of substantial withdrawals by other signatories and in the event of legislation or judicial decisions declaring any part of the code invalid or illegal, requiring a material change in the method under which distributors or exhibitors do business or making the code impracticable because of added burdens. While this has been discussed with representatives of exhibitors no definitive language has yet been worked out but will be supplied shortly.]

[Provision should also be made enabling other distributors and exhibitors to become parties to the code.]

Arbitration Machinery

1. *Location of Board.* An Arbitration Board shall be established in each exchange territory.

2. *Method of selection of arbitrators.* There shall be created in each exchange territory a general panel and a neutral panel. The general panel shall consist of about 20 members of whom the distributors will appoint 10 and the exhibitor association functioning in that particular exchange territory the other 10. Where there are 2 or more exhibitor associations each association may appoint a panel of 10 of their own. The members of the general panel may be affiliated with exhibitor or distributor interests.

Each party to a dispute may designate as his arbitrator any member of this general panel or any one else he desires outside of the panel.

The neutral panel shall consist of 10 members to be mutually agreed upon by the exhibitor and distributor interests in each exchange territory. These members shall not be members of the general panel and shall not be associated with exhibitor or distributor interests but shall have an understanding and knowledge of the motion picture industry.

The two arbitrators chosen by the above method shall designate the third arbitrator from the neutral panel and if they are unable to agree the third arbitrator shall be drawn from the neutral panel by lot.

No compensation shall be paid to any arbitrator from the general panel, but compensation wherever necessary may be paid to the neutral arbitrator.

3. *The cost of arbitration machinery.* Upon the filing of a claim the complaining party shall pay a filing fee of $5. These fees are to cover the cost of:

(a) compensation to the neutral, wherever necessary,

(b) expenses incurred upon the initiative of the arbitration board,

(c) administration.

In disputes involving principles, affecting the entire industry the arbitration board may assess the cost incurred upon the initiative of the arbitration board upon all distributors and exhibitors associations.

The arbitration board shall have no power to award counsel fees.

Except as here provided each party shall stand its own costs and expenses.

The board shall be empowered in its discretion to engage a secretary for its own sessions.

4. *Qualification of arbitrators.* No person shall be nominated or elected to act as an arbitrator in any dispute in which he has a personal or financial interest, directly or indirectly. The parties may, however, waive their right in any objections which may exist on the above grounds.

5. *Vacancies.* Vacancies occuring by reason of illness, resignation, disqualifications, disability or death shall be filled in the same manner as the original appointment.

6. *Hearings.* Hearings shall take place in the exchange territory in the city in which is located the exchange out of which the complaining exhibitor is served.

Parties may represent themselves or be represented by another.

Each party shall have the right to question the witnesses of the other party or parties.

Witnesses shall testify under oath.

The arbitrator may require any party to produce whatever records and documents they may deem necessary.

Stenographic records of testimony will not be taken unless either or both parties so request and provide funds for the same in which case the stenographer shall be selected by the board, or if designated by either or both parties, approved by the board.

7. *Waiving oral hearings.* If the parties to a controversy agree in writing to waive oral hearings they shall submit to the arbitrators a statement of claim under oath including statements from books of account or other evidence together with written argument. Immediately upon receipt of the statement of facts and written arguments a copy thereof shall be submitted to the respective parties and each shall have the right to reply thereto. But if either party should fail to make such reply in days from receipt thereof he shall be deemed to have waived the right to reply. The files shall then be submitted to the arbitrators.

8. *Preferential cases.* Certain disputes require prompt and immediate decisions while others do not. There shall therefore be established a list of disputes to which the arbitrators must give preference in time of hearing.

9. *Miscellaneous.* All questions affecting procedure such as the time when the submissions are to be made; the time within which the arbitrators must make their awards: the forms to be used; the notices to be sent and similar problems should be referred to counsel for the distributors and exhibitor groups.

[Disputes where more than 2 parties are involved, or involving third parties who refuse to submit to arbitration, or where a greater number of exhibitors are involved than distributors or vice versa, or where a distributor and its affiliated theatre company are parties, present problems which have been discussed but have not yet been resolved.]

Notes on Text

[1]An exhibitor contracting for a portion of distributor's features shall be deemed to have contracted for "all of the feature motion pictures offered" if the distributor shall have offered only such portion to exhibitor.

[2]An exhibitor shall be deemed to have contracted "for a run in any situation" if he contracts for the right to exhibit each feature for a particular run either at a specified theatre or upon an "or" basis, i.e., at one of two or more specified theatres.

[3]Only "Westerns" which are not of the usual character and type of, and are inexpensively produced as compared with, the distributor's general line of features for the particular season in question.

[4]Without limiting the generality of the term "material default", an exhibitor shall in any event be deemed so to be in material default if, at the time of giving notice of exclusion, he has failed to pay the license fee due for any feature theretofore exhibited by him or if, at such time, he has failed reasonably to perform the license agreement with respect to the playing of features theretofore made available to him thereunder.

[5]*Example*: If the agreement licenses forty-eight features, of which eight are in the highest bracket, twelve are in the next to highest bracket, sixteen in the next to lowest bracket, and the remaining twelve in the lowest bracket, and, if the exhibitor has the right to exclude ten per per cent. (five features), then not more than one feature may be eliminated from the highest bracket, not more than one from the next to highest bracket, not more than two from the next to lowest bracket, and the remaining one feature from the lowest bracket; or all five or any lesser number may be eliminated from the lowest bracket.

[6]"For a run in any situation" as defined in Section (1) of Article I, footnote 2.

[7]A policy shall not be demed destructive or one which will substantially reduce such revenue if it is a policy established under methods of competition normal and fair in such situation.

[8]A "circuit customer," as that term is used in Article VI, is a customer who is, or is a part of, a circuit, a buying combine, a booking combine or a cooperative.

[9]"Westerns" and foreigns as defined in Article I, Section (1).

[10]The rights of exclusion, if any, under Article I, Section (1) hereof, of a responding exhibitor found by the arbitrators to have over-bought, shall be determined and computed on the basis of his license agreement(s) as modified in consequence of such finding.

[11]An exhibition season for the purpose of this Article shall be deemed to commence September first and end August thirty-first next following.

Rodgers' Transmittal Note

(*Continued from page 1*)

chinery might be set up. Your counsel's revision contained counter suggestions as to arbitration, which were discussed with our counsel. However, we have not yet completed a revision of the provisions with respect to arbitration machinery, and for that reason we again enclose the proposed basis for arbitration which we previously handed you. It is obvious that this is not complete and further elaboration will be necessary in the light of discussions and of your counsel's suggestions, but we believe that the statements of principle contained in it and in the revised memorandum enclosed herewith will furnish the foundation for the arbitration machinery desired.

Since our discussions we have been notified by United Artists Corporation that it has withdrawn from participation in the conferences.

Following the same course as before, we are sending a copy of this letter and its enclosures to the Department of Justice in accordance with assurances of counsel that the Department would be kept informed of the results of our industry conferences.

If the accompanying revised memorandum substantially expressed your understanding of these proposals, we renew our previous suggestion that a joint conference be held with the Department of Justice at the earliest possible date for the purpose of obtaining its approval of these proposals and of considering methods of putting them into effect. Sincerely,

W. F. RODGERS,
for the Committee

Pact Is Completed; Sent to Exhibitors

(*Continued from page 1*)

tributors and exhibitors to become parties to the code after it has been placed in effect. If legislation, judicial decisions or basic changes in trade operations invalidate the program or make it unduly burdensome, provision is to be made to permit the general withdrawal of signatories.

Negotiations Begun in June

In all other respects, the program is essentially as it was on completion of the tentative draft last November. It provides for the 10-15-20 per cent cancellation according to film rentals paid by the exhibitor; for abolition of the score charge, non-forcing of shorts and features and regulation of designated play dates.

Distributor-exhibitor negotiations on the program were begun late last June with Sidney R. Kent as honorary chairman, and Rodgers, working chairman of the distributors' committee. Members were Ned E. Depinet, RKO; Abe Montague, Columbia; Gradwell L. Sears, Warners. Alternates included Nicholas M. Schenck and Leo Spitz. The latter was replaced subsequently by George J. Schaefer.

Exhibitor negotiating committees included Ed Kuykendall, O. C. Lam, Lewen Pizor, Charles E. Williams and Arthur H. Lockwood for M.P.T.O.A.; Abram F. Myers, H. A. Cole, W. A. Steffes, Nathan Yamins and Sidney Samuelson for Allied States, and the following unaffiliated regional representatives: Lee Moffitt, M.P.T.O. of Kentucky; John Rugar, Intermountain T. A.; W. F. Crockett, M.P.T.O. of Virginia; Albert A. Galston, I.T.O. of Southern California & Arizona; Harry Brandt, I.T.O.A.; Charles R. Gilmour, T. O. & M. of the Rocky Mountain Region, and Leo F. Wolcott, Allied I.T.O. of Iowa and Nebraska.

The code is the result of nine months' work by the distributors' committee and company counsel in collaboration with exhibitors. The formulation of the principles was completed by the sales managers in conference with exhibitor groups. The first draft submitted did not contain arbitration principles and procedure. This was completed by the lawyers' drafting committee after suggestions were received from Abram F. Myers, Allied general counsel.

Union Ouster Trial In St. Louis Is Ended

ST. LOUIS, March 30.—Trial of the suit by members of operators' Local 143 to oust John P. (Big) Nick and Clyde Weston from control ended abruptly in Circuit Court here today when stipulations were filed stating that additional testimony would be repetitious. Judge Ernest F. Oakley took the case under advisement.

The stipulations provide that all vouchers, canceled checks and stubs issued by the union since 1937 and an audit made since that time will become evidence.

To Air Yeshiva Benefit

WMCA will carry the speeches at the scholarship fund dinner for refugee students at Yeshiva College Sunday from 11:15-11:45 P. M.

AND NOW—

Latin America

POLITICAL and social unrest in Europe has brought about the curtailment of many important outlets for the American motion picture industry.

Latin America becomes *now* the most important market for American motion pictures — 21 nations with a population of more than 100,000,000 friends of the American film.

TEATRO AL DIA, a Quigley Publication now entering its fourth year, has made new friends and more friends in the great market of the future. It's the only Pan-American business magazine published in the interest of closer relations, better understanding, and increased film trade with the sister republics of the Western Hemisphere.

The new issue of TEATRO AL DIA will be out Monday. Be sure to see it!

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